Henry Charles Lea's Historical Writings

A critical Inquiry into their Method *and* Merit

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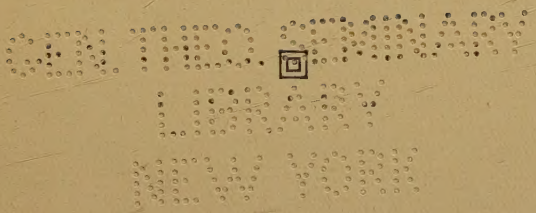
Henry Charles Lea's Historical Writings

A Critical Inquiry Into Their Method and Merit

By

Paul Maria Baumgarten



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TRANSLATOR'S NOTE.

Upon reading Monsignore BAUMGARTEN'S review in the German original the translator believed that it would prove of particular interest to American readers, and arrangements were made with the author the outcome of which is this version in English.

While faithfulness to the original is throughout observed, some detail in the chapter on translations of Mr. LEA'S volumes and in the concluding chapter was found dispensable in an American edition, and it has been omitted with the author's courteous approval.

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I.—INTRODUCTION

How HENRY CHARLES LEA, the Philadelphia publisher and historian, was directly influenced to select for his researches the particular sphere of history with which he occupies himself in his books, I have not become aware. Whatever the inducements, we are confronted with the fact that he attempts to deal, in his own way, with questions which to this extent are not ordinarily made the object of research by the lay historian. As a result of his enterprise and diligence we have from his pen a considerable number of stately volumes, mostly dealing with Catholic institutions, the list including "A History of the Inquisition of the Middle Ages," 2 volumes; "A History of the Inquisition of Spain," 4 volumes; "A History of Sacerdotal Celibacy," 2 volumes; "Inquisition in Spanish Dependencies," "History of Auricular Confession and Indulgences," 3 volumes; "Chapters from the Religious History of Spain," "Moriscos of Spain," "Studies in Church History," and, "Superstition of Force."

If the scope and size of these works is considered, the diligence and perseverance of their author compels our esteem, notwithstanding the fact that LEA by his wealth was enabled to delegate to others a considerable portion of the preparatory labors, as also of the technical work in getting the books ready for the press, a circumstance which explains the quick succession in print of the volumes. In mentioning this fact we do not mean to claim that hired assistants are to any degree responsible for essential

statements in any of LEA'S works. In the treatment of their subjects, in tendency and conclusions, we believe to have before us LEA'S own and individual labor.

A peculiarity of LEA'S method, observed in all his volumes, and one which renders the tracing of his deductions at times difficult, is his habit to quote his sources in more or less slipshod fashion. His authorities for various matters, dealt with on two or more pages, are frequently lumped together in one common annotation; the books quoted from are enumerated in the informal fashion of the old French and Italian schools; various editions of quoted books are hardly ever distinguished; bibliographical exactness is lacking, folios of quoted passages are omitted oftener than is to the liking of the critical reader, and not infrequently are the sources of quoted documents only suggested. Thus the critical reader has his troubles due to this supreme disregard for the requirements of modern scientific writing. It may be suggested in passing that this indifference does not seem to manifest any great amount of respect, on part of the author, for the readers to whom he addresses himself.

These deficiencies, however, indicate the probable extent of the preparatory work done by others, which, as is plainly perceptible, was not always, or not duly, revised by the author. In the course of my review I shall have to draw attention to defects which explain themselves most readily under this assumption. But these defects are so frequent and numerous, that I am compelled to open my review with this general arraignment.

It must be admitted that the author has managed to provide himself with a much better knowledge on many points of Catholic doctrine and usages than is generally the case with non-Catholic historians who venture to deal with such matters. He has taken pains to study important theological questions, no doubt with a desire to arrive at their perfect understanding. In many instances he has been successful in his efforts, to this I gladly bear witness. But opposed to these instances there are others, no less numerous or important, which clearly prove that his good intention did not suffice to preserve him from lamentable misconceptions, inexcusable in one who would be an historian of Catholic institutions. For the purpose of dealing in a fair manner with these matters, so difficult for him, he should have informed himself thoroughly, more thoroughly than he has evidently done, about the purport and application of terms, opinions and doctrines, no matter whether he agreed with these doctrines or not. This no doubt is a just demand, one to which no objection can be made. When, therefore, LEA interprets *Catholica* according to his individual taste and views, unmindful of established theological and historical definition, he not only exposes himself to the charge of prejudice, but puts the reader on his guard against the consequent unreliability of his researches. The obvious fact that there must be made a distinction between the official definition of a doctrine by the Church, on the one hand, and individual opinions of Catholic writers on the other, LEA has, to his disadvantage, in many cases ignored.

It is true, here and there in his works we meet with censure of one or another adversary of the Church. These instances we may regard, wherever their context leaves them any value, with satisfaction as a defense of the Church by a non-Catholic. Opposed to these relatively rare instances, however, there is so frequently the highest praise, or at least approbation, bestowed upon enemies of State and Church in the Middle Ages, as to forfeit the author's claims to an impartial estimate of the facts. The Church and her representatives are, with ill concealed zeal, and in an unjustifiable manner, frequently accused of most hideous vices and crimes, with a levity which is fairly astonishing.

The above remarks had been written for some time when there came to my notice JOSEPH JACOBS'[1]) review of LEA'S fourth volume of *A History of the Inquisition of Spain.* Although an admirer of LEA'S achievements, he is constrained to make these observations:

Similarly Mr. LEA *does justice to the general beneficent effect of the Inquisition's attitude toward that curious amalgam of mysticism and licentiousness known as quietism. Only in one direction can one trace the slightest evidence of any prepossession in Mr.* LEA'S *mind, causing him to look with distorted vision on the affairs of the Spanish Inquisition. Wherever the amount of guilt has to be apportioned between the Inquisition itself and its ultimate source, the Roman Papacy, I fancy I can observe a tendency to weight the scales of justice against*

[1]) *The New York Times,* Saturday Review of Books, November 2, 1907, page 694.

Rome. It is strange that the two chief historic workers of our generation in the Anglo-Saxon world—the late Professor MAITLAND *and Mr.* LEA *—should both have shown this anti-Romanist bias. After all, Anglo-Saxondom is Protestant. This is the more to be regretted, as in my judgment the whole key of the annals of the Inquisition has to be found in its comparative independence from the State on the one hand and from Papal jurisdiction on the other.*

Ecclesiastical ordinances rarely find favor with the author. The reason for this lack of appreciation of the ecclesiastical, as well as in general of State and Civil life in the Middle Ages, may be sought in the fact that LEA only occasionally undertakes to interpret events of the periods treated by him in the spirit of the times, by the views, laws and customs prevailing in those ages. He is, almost invariably, the twentieth century censor, and that accounts for his deprecating and unfavorable comments. The calm and even tenor in which LEA usually makes his statements results in giving to them the distinction of well considered judgment, which, upon closer inspection, is proved not to be their due. I regret to note that many, even among those who read with a critical eye, have not infrequently been deceived in this way. If, as we shall see further on, the picture sketched by LEA of the twelfth century must be regarded as an example of LEA's lack of understanding for the phenomena of past ages, his estimates of the character of important personages give abundant proof that LEA conveniently varies his opinions according to mo-

mentary requirements. It certainly won't do for an historian to declare in one place a certain person to be a thoroughly honorable man and to denounce a few pages further this same person as a notorious thief. That LEA is guilty of similar practice I shall illustrate in a prominent instance.

Whenever there is lack of documentary proof, LEA chooses to present his matter in a form which a careful and conscientious historian would endeavor to avoid. The words *doubtless* and *evidently* play a conspicuous part in his writings, and, as a significant fact, chiefly there, where the matter allows of most diverse conjectures. And LEA's conclusions in a great many instances are not so *doubtless* as he would fain have them believed to be. *We can readily conceive; we may easily imagine; it can be readily understood;* such and similar expressions, often occurring, will warn the reader to look sharp unless he is willing to accept LEA's hypothesis as a proved fact, proved by one of LEA's phrases.

It is LEA's undisputable merit that for his labors he has assembled with considerable diligence an abundance of material, some of it from very remote sources. He, furthermore, induced a number of librarians to look up, and copy for him, a considerable number of heretofore unpublished documents and records, he himself, as I am informed, only rarely exercising an influence upon their selection. Not the author, therefore, but these librarians used their judgment as to what was of value for these researches, and consequently LEA was furnished with what librarians forwarded to him, without seemingly being aware that there might be still other matter of

importance for the subject under treatment. As a wealthy and intelligent collector, LEA has purchased many rare manuscripts, documents and *incunabula,* thus enriching his library with many *unica* within the sphere of his researches. From his works it is apparent that LEA must have a card index of extraordinary dimensions, which afforded him ready, though sometimes misleading, answers to most of his questions. Whenever he crossed the ocean he has brought back with him considerable additions to his book treasures, so that there is at present hardly a public library in the United States in which the literature of LEA'S special field is so completely represented as it is in the private library of this scholar. We can readily understand that LEA among his countrymen enjoys a great reputation, and this justly so in a certain respect. For even if I am of the opinion that his *History of the Inquisition* and the *History of Auricular Confession and Indulgences* cannot be taken for what their author wishes them to be, yet these works, and others written by him, will undoubtedly be of the greatest advantage to future historians as a basis for their researches. This applies especially to his *History of the Inquisition in Spain.*

The future historian will remedy the most glaring defects in LEA'S statements by refusing to accept his literary and documentary material at its face value, and by sifting it critically. A few weak attempts at discrimination in the use of sources excepted, such necessary sifting is not done by LEA. Though one may become qualified in a general way for scientific historical research by autodidactic effort, the methodical valuation of sources is a too intricate affair to be

learned without guidance to such an extent that the results of such research will under all circumstances stand the test. LEA's efforts are only another proof of this. Of course this lack of training in LEA may be taken as a mitigating circumstance in an examination of LEA's works; for had he had himself instructed in the methodical valuation of sources, and still ignored the necessity of applying such discrimination to his material, then a more severe reproach would be warranted and LEA's own individuality would to a greater extent be involved. To allow this mitigating circumstance is a welcome relief in my task.

LEA's use of many quotations, from sources in print or manuscript, admits, with the most generous allowance, of no other characterization but that of a misrepresentation of their meaning, the meaning they will convey in connection with their context. The earmarks of the card index product are here plainly and painfully apparent.

But this is not the worst. There are quotations in LEA's books which can only be described as falsifications of their sense in the full meaning of the term. Until proof to the contrary is at hand let us suppose that we have before us objective falsifications. The knowledge of medieval theology and of the Canon Law prevailing at that time, with which LEA obviously equipped himself, affords the basis for this severe reproach for which I shall furnish proof in the course of this review. It is difficult to understand why LEA should have resorted to such questionable means, when he had ample opportunity to give, in other ways, expression to his aversion for the Church and her representatives. He actually availed him-

self to a great extent of such opportunities, and frequently uses expressions of such coarseness that the reader asks himself in astonishment whether they are warranted by the facts described according to LEA's method. These are phenomena whose psychological and scientifical explanation is not apparent to me; I simply record the fact, therefore, and leave it to the reader to draw his own conclusions.

I said before that LEA's language flows usually in a calm and even tenor. The reviewer of the *New York Times,* JOSEPH JACOBS, already quoted above, states this in a more drastic manner in the following words:

But its [*viz., Mr.* LEA's *book*] *form leaves much to be desired. Mr.* LEA *seems to have almost gone out of his way to avoid making his history "interesting" by vivid presentation or captivating style. It is difficult to read continuously, and even his indignation fails to give vividness to his presentation. He deals occasionally with interesting personalities like* ANTONIO PEREZ, *that puzzle of Spanish history, but it cannot be said that he makes him or others interesting to the ordinary reader. It is to be feared that his work will be consulted more as work of reference than read continuously for interest and vividness.*

It is true that a perusal of the volumes of LEA requires a considerable amount of will power, because his manner of presentation, as well as the scientifical methods employed and the deductions made, render the critical reading a wearisome and disheartening task. That any one of these many volumed works will circulate to any extent beyond the circles

of professional historians, is rendered unlikely by LEA's style of writing.

In the following chapters I shall occupy myself with an examination of LEA's chief works, and I shall have occasion to refer here and there to other recent publications by other authors dealing with the same, or related, subjects.

II.—AURICULAR CONFESSION.

The year 1896 witnessed the appearance of LEA's work: *A History of Auricular Confession and Indulgences in the Latin Church,* in three volumes. (Philadelphia: LEA BROTHERS & Co.) The two first volumes, with separate index and a plate, bear the subtitle: *Confession and Absolution;* the third volume, with individual index and eight plates, has the subtitle: *Indulgences,* and this volume will be the topic of my next chapter. The plates are reproductions (from manuscript or print) of indulgence briefs, or summaries of indulgences, among them two prints of fraudulent indulgences.

The first volume deals in separate chapters with: *Primitive Christianity, Discipline, Public Penance, Reconciliation, The Heresies, The Pardon of Sin, The Power of the Keys, Confession, Enforced Confession, Jurisdiction, Reserved Cases, The Confessional, The Seal of Confession,* and, *Absolution.*

The second volume contains the following chapters:

Requisites for Absolution, Public and Private Penance, The Penitential System, Redemption of Penance, Satisfaction, Classification of Sin, Probabilism and Casuistry, and, *Influence of Confession.*

The logical sequence of this classification invites dispute, but I shall not lose time with such comparatively unimportant matters and will accept LEA's divisions without argument. In his introduction the author lays stress upon the fact that he intends no controversy, but rather a description of the historical

development, and that he has therefore refrained *from consulting Protestant writers,* and has adhered *exclusively to original sources and to Catholic authorities,* by which process he hopes to gain in exactness and impartiality more than what possibly might be lost in completeness. He claims to have been careful to draw but few conclusions, as he wishes to submit the facts and to leave it to the reader to make his own deductions.

When LEA excluded Protestant literature he should have likewise avoided the Anglican translation of the Bible. As a matter of fact we find that his literal quotations from the Bible do frequently not agree with the approved Catholic version of DOUAY and RHEIMS.

The preface states, furthermore, that the author has not restricted himself to the *standard theological treatises,* but has also extensively drawn from popular works of devotion, because in them *is to be found the practical application of the theories enunciated by the masters of theology.* This procedure would be free from objection only then, if the contents of these popular tracts had been examined under application of strict critical methods. As in all other popular publications of this kind at the close of the Middle Ages, there are so many exaggerations, even bare fabrications in that sort of popular literature that they can be used only with extreme caution.[1]). This obviously prerequisite discrimination is completely lacking in LEA, and he employs the frequently confused, and sometimes stag-

[1]) The *Mirabilia Urbis Romae* are a flagrant example of such falsifications.

gering, declarations of such tracts to twist therefrom a rope for the Church, retailing them with zealous characterization as views approved by the Church. And thus originate the astonishing caricatures of the Church's doctrine on practical piety on which LEA dwells manifestly in high glee.

A surprising wealth of material, brought together with great diligence, frequently from sources not easy of access, is discovered in this work of over a thousand pages. If the author, with considerable success, has endeavored to master, and to understand in an unobjectionable manner, many points of Catholic doctrine, these instances are opposed by at least as many in which he shows how unable he has been, perhaps in spite of the best intention, to rid himself of his Protestant prejudices. Constitutional matters in the primitive Church, and their later development are thoroughly misunderstood by him, and in consequence the distribution of faculties to individual servants of the Church is undertaken by LEA in an arbitrary manner and not corresponding with the facts. The obligations which God imposes upon Himself in relation to the Sacraments instituted by Him, and to their dispensers appointed by Him, appears to LEA as preposterous, and he attempts in this connection to involve St. AMBROSE in serious contradictions. We quote thus:

Stimulated by conflict with the Novatians, in some passages he (ST. AMBROSE) *asserts the power of the keys in the hands of bishops in an unqualified manner. Christ, he says, could remove sin by a word, but he has ordered that it should be done through men. Thus he pushes this to an extent so insane that he*

represents God as wishing to be asked to pardon and as virtually unable to do so without the action of the priest.

If LEA (Volume I., p. 115) superscribes the chapter containing these words with *Inconsistent Utterances* this superscription applies correctly only to his own words. Under this head comes also the question of the priest's jurisdiction for the hearing of confessions. While LEA in the same volume (p. 274) states this matter theoretically correct, yet his conceptions become in the course of his further comments so hopelessly confused, that it is astonishing how so many intricacies can be injected in so simple a matter:

There was an incongruity in this, for if the power to bind and to loose came from God, it was granted with the priestly character; if a delegation from the bishop, he certainly bestowed it in the ordination rite.

Not the frequency of confession, not the time when the Christian was required to go to confession, is of moment in the historical inquiry into the origin of confession, but solely the fact that actually at all times there has been mention of Sacramental Confession, in public or private. Obligation of confession, and the appointed time for this obligation, are absolutely indifferent side issues for such inquiry.

While speaking of the *newly discovered*[1]) *Sacrament of Penitence* (p. 215) LEA is guilty of a dexter-

[1]) In the *Capitular* of Majordomus Karlmann, of April 21, 742 *(Mon. Germ. Cap.*, I., 25, 15), we find that *unusquisque praefectus unum presbiterum, qui hominibus peccata confitentibus iudicare. . . . possint* [*secum habeat*] LEA holds that the imposing of the obligation of Confession

ous falsification[2]) ; *Quod quidem,* so ALEXANDER III. writes to the Bishop of Beauvais[3]), *sicut asseris, ad confessionem de criminibus veniunt, et quamvis confiteri velint, se tamen asserunt abstinere non posse, consultationi tuae taliter respondemus, quod eorum confessionem recipere debes, et eis de criminibus consilium exhibere, quia, licet non sit vera huiusmodi poenitentia, admittenda est tamen eorum confessio, et crebris et salubribus monitis poenitentia est indicenda.*

Any one only superficially familiar with the elements of the Sacrament of Penance will understand that there is question here of a most salutary effect upon the confessing but unabsolved sinner. LEA, who carefully refrains from quoting literally the Pope's decree, could not fail to understand its meaning, nevertheless he writes:

The natural consequence of the tendency thus displayed was the popularization of the confessional by converting it into an avenue to sin, giving rise to active protests from the stricter members of the clergy.

This flagrant misrepresentation of the real sense of the passage from the decree, which moreover bears the superscription: *Non est vere poenitens, qui peccandi animum non deponit, tamen recipitur*

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by the Lateran Council of 1216 was done *possibly with an eye to legacies for pious uses.* (Vol. I, p. 262). There is no warrant whatever for such insinuating suggestion, but LEA cannot refrain from making it.

[2]) In this connection it is to be stated that numerous distortions of quoted passages border on falsification, as has been pointed out with severe censure by several of LEA's critics. Compare especially Vol. III., p. 283.

[3]) C. 5, Extra Lib., V. tit. XXXVIII.

eius confessio—is an example of LEA's impartiality on which he so proudly dwells in the preface. That LEA actually includes absolution in his interpretation of the *tit.* XXXVIII., is evident on page 216, where he says:

The shocking laxity of ALEXANDER III. *was not yet accepted, for after confession the priest is told (in a decree of the Council of Paris, 1198) to ask the penitent whether he will abstain for the future, and if he will not promise he is to be refused penance and absolution lest he rely upon them.*

From the writings of ALEXANDER III. *(Magistri Rolandi Summa)* LEA derives his privilege to claim that in Rome at that time it was evidently not believed that the confession of sins was of divine institution, or an indispensable part of the Sacrament (Vol. I., p. 209). On page 476, however, LEA has to admit that the Pope terms confession a Sacrament, but he disposes of this fact as of no moment with stating that he had only done so *as a matter of convenient nomenclature.* The *absolutio ad tumbam* with the words *requiescant in pace,* the joined use of the terms *reconciliatio* and *absolutio* in confession, their independent and separate use, and many other things which are obvious to the Catholic theologian from their application, present to LEA great difficulties, and he wastes much idle speculation upon the solving of difficulties which are only imaginary. That the priests, as LEA records it, in the twelfth century sought to share in the Episcopal faculty to forgive sins, he ascribes to an inordinate desire to secure to themselves participation in the *fat income* yielded by the administration of the Sacrament of Penance.

And such stuff LEA asks his readers to accept as history. So we find in the second volume (p. 160) that the handsome business done in selling releases from the *poena*, suggested a similar opportunity in releasing from the *culpa*. Since the people of those days, *trained in* POPE BONIFACE'S *happy commerce*[1]) *and accustomed to see the power of the keys exploited in every way for gain,* submitted to such shameless barter of spiritual benefits, there was no reason why the system should not be further developed. And the papal penitentiary *was a natural outgrowth of the system.* I shall have to deal in the last chapter of this book more explicitly with this achievement of LEA'S researches.

LEA'S undoubted great business acumen, and his equally great ignorance of the agencies that led to the establishment of the various diocesan and Roman offices occupying themselves with reserved cases, induce LEA to see in this department of the absolution only a highly objectionable scheme to pocket the pennies from a plundered Christianity. All the author's learned phrases do not succeed to conceal this individual view. Against such *historical* argument it seems simply impossible to reason with any prospect of success. The commemoration of the souls of dear departed, or of those of the living, in the performance of pious works, familiar to every Catholic, is ridiculed by LEA in unbecoming business slang (in Vol. II., p. 156):

Perhaps even if the land ceded were especially desirable (for the particular church or cloister), *the sins*

[1]) The first Jubilee of the year 1300 is meant.

of the grantor's parents or children or kindred would be thrown in.

He simply lacks all appreciation of the Catholic way of thinking in these matters, although he would pose as thoroughly familiar with it. This circumstance is responsible for LEA's interpretation of the words of BONIFACE VIII.: *terrena in coelestia et transitoria in aeterna felici commercio commutando,* which he renders in the following manner: *The mercantile character of these transactions, by which the Church sold claims on heaven in exchange for worldly wealth is unblushingly expressed by* BONIFACE VIII. (Vol. II., p. 158). The half-hearted concession that it would be unjust *to conclude that in its use of the authority to bind and to loose the Church looked solely to its own aggrandizement in wealth and power* (Vol. II., p. 167) is lost after all the scorn, the expressed and implied contempt for the Church and her institutions, heaped up in the preceding pages.

When KING JOHN of England granted the *Magna Charta,* in the year 1215, he caused the sentence to be inserted *et pro salute animae nostrae et antecessorum omnium et haeredum meorum,* which induces LEA to make the intelligent (?) observation (p. 157, note 2):

Apparently the scribe who drew the charter did not pause to ask how the salvation of JOHN'S *ancestors could be effected by his acts. Even yet the distinction between culpa and poena was imperfectly apprehended.*

I must candidly admit that I have in vain tried to penetrate the sense of this utterance of LEA.

Numerous chapters in these two volumes are without any interest to the readers of this review, as they deal with matters which any good manual of Moral Theology, and the historical literature about the disputes in questions of Moral Theology within the Catholic Church, set forth in a much clearer and more correct manner. Moreover LEA grants to every author who sets forth and expresses views at variance with ecclesiastical doctrine or the *consensus theologorum,* such importance as if conclusively proving all his assertions.

The sharp definition of Church doctrine is not what LEA is after, he is far more interested in the varying opinions of individual theologians, which afford him opportunity for malicious conclusions, his vouchsafed impartiality notwithstanding. Thus LEA sums up: *In practice the Sacrament becomes the ultimate object; the sinner is taught how to secure it with the least sacrifice of worldly enjoyment; the question is not how to earn the grace of God, but how to win it at the smallest cost; how to sin without sinning; how to escape hell without deserving heaven,—to adopt, as* GIOBERTI *says, a line of conduct towards God which a good son would scruple to adopt with his father.*

Quite an impression made upon LEA the medieval stories of confessions to lay persons. In full earnest he discusses the possibility whether lay persons may absolve, because S. THOMAS and others bring in this question for the sake of completeness. To our days, even, there are current among the Catholic populace farcical anecdotes of mutual confession between married couples, and other absurdities.

Had LEA ever heard these tales he would probably have at once recorded it as a fact that the belief a priest was requisite to absolve sins was not universally established even in our days. In his investigation into lay confession all sorts of quotations and anecdotes are pressed into service, in lieu of sworn evidence, and historians such as CAESAR VON HEISTERBACH are his favorite authorities. Instead of stating: the Church has never taught that a non-priest can validly absolve from sins; and all assertions to the contrary in medieval literature can be traced to individual theological opinion of doubtful value, or to intentional distortion, or ignorance, we are regaled with a learned dissertation which is not without highly amusing allegations[1].) When laymen in danger of death, and in absence of a priest, confessed their sins to a layman, that was a matter, in its theological aspect, only of profound humiliation, calculated to excite a greater contrition, regardless as to whether the parties were of opinion that a valid confession had taken place. I have gathered a number of new cases from the fourteenth century, in which deacons, either from ignorance or being pressed by others, heard confession and gave absolution. What does this fact signify? Obviously nothing else but that these individuals,

[1]) Under this head comes a discussion upon the hearing of confession by women, which, of course, shows an unpardonable ignorance of the difference between the manifestation in monastical chapters of all *exterior* infractions either of rules or of commandments, which was, of course, never followed by Sacramental absolution in the chapter, and sacramental confession proper. An historian who in full earnest can dish up such things, as LEA does in self complacent verbiage, should really not be taken seriously on these questions.

who subsequently turned to Rome for forgiveness, had no correct notion of the extent of their authority; it cannot mean that the teaching of the Church had in any way been wavering. In spite of LEA's clever attempts to lend importance to this discussion (Vol. I., p. 219) I must state that there are few weaker chapters in this work. The relatively wide spread of lay confession in the early Middle Ages belongs in the realm of psychology, and in these occurrences originated the tracts of various writers in the fifteenth and sixteenth centuries, which express to some extent quite confused notions.

In an appendix to this book I submit a number of documents which extend over the largest part of LEA's field of research. Seven of them deal with the condonation and absolution of persons who, as non-priests, heard a single confession and bestowed absolution. The expression used that they had done it *tamquam simplices et iuris ignari,* is, in the terms customary in petitions to the penitentiary, the acknowledgment that they had been unaware of the inability to absolve validly. I have arranged the facts in the order of time.

No. 3 is the case of a deacon who, so commanded by his former teacher who desired to say Mass, heard his confession. Due to his lack of information about this occurrence his ordination followed without having first obtained absolution and dispensation. He is suspended for six months, and then allowed to resume his full powers. 1335, *Junii* 8.

No. 4 deals with a deacon who heard the confession and absolved a priest *de mandato, consensu et voluntate* of this priest, *asserentis, quod ipsum absolvere poterat, et dicentis, quod peccatum totum supra se retinere volebat.* There had been no other priest in the place to hear the confession of the penitent who was obliged to celebrate Mass. Before ordination he had omitted, in his ignorance, to obtain absolution. Decision as in case No. 3. 1335, *Junii* 9.

No. 6 is the case of a deacon who, at the behest of a priest who desired to say Mass, heard this priest's confession and absolved him. He had not meanwhile received ordination. Decision as in No. 3. 1335, *Octobris* 18.

Nos. 7 and 8 concern two priests, who, as deacons, had once heard the confession of a priest, and had each subsequently been ordained without having secured absolution and dispensation. Decision as in No. 3. 1335, *Octobris* 18.

No. 9. An acolyte had heard the confession of a priest, who wished to say Mass; he had then travelled to Rome, where he was absolved by one of the penitentiaries. He now asks permission for further ordination, which is allowed him after a three months' suspension. 1336, *Februarii* 10.

No. 10 renders the same decision as in No. 3; the case is identical, but we note the modification: *et ipse dubitat, licet non recordetur plene, ipsum presbiterum a peccatis sibi confessio absolvisse de facto.* The petitioner is even allowed to accept a benefice. 1336, *Maii* 8.

No. 20 is a collective case which includes all those members of the Carthusian Order who had been involved in such matters. We have no means of determining whether a relatively large or small number is concerned, it is simply stated *multi de ordine;* neither do we know how many priest members the Order numbered at that time. Priors and monks had, as subdeacons or deacons, before or after entering the order, in case of necessity as well as otherwise, heard *confessiones plurium* and had absolved *per simplicitatem et ignorantiam iuris.* Some of them had believed *post religionis ingressum se esse absolutos privilegio felicis recordationis domini Alexandri pape predecessoris vestri, per quod concessit dicto ordini, quod singuli priores in conventibus sibi commissis fratribus constitutis ibidem absolvere et dispensatione indigentibus a quibuscumque excommunicationis sententiis et irregularitatibus possint absolutionis et dispensationis beneficium impertiri, nisi adeo gravis et enormis esset excessus, quod merito essent ad sedem apostolicam destinandi.* Others had, before joining the order, enjoyed *beneficia ecclesiastica, etiam curata,* drawn the emoluments and received Holy Orders. Others, finally, had been promoted by degrees to *prioratus conventuales.* Because of the difficulty of sending these monks and priors to Rome, CLEMENT VI. granted to individual priors the authority, *quod fratres sibi commissos,* the Vicars, *quod omnes et singulos predictos priores absolvere valeant et dispensare cum eis.* The priors were also allowed to retain their posts. The decision reads:

Fiat hac vice, suspensis ad tempus prout viderint

expedire; exceptis irregularitatibus ex homicidio vel mutilatione contractis.

The powers asked for were transmitted by the grand penitentiary in his missive to the order. 1344, *Januarii 8.*

Six of the petitions, namely, Nos. 3, 4, 6, 7, 8, and 9 are directed to the diocesan Bishop. No. 10, the petitioner being present *in Curia,* was disposed of by the Grand Penitentiary, and likewise No. 20, because the petition contained the petition: *Et supplicant, fieri per litteras domini, . . . Albanen.*

It is of importance to state that no set form for replies to this kind of supplication was used in those days[1]). Though the recital of the facts is similar in the various cases the verdict is in every instance specially drawn up by the *minutantes.* For the *connoisseur* of curial conditions this fact points to a caution to avoid all generalization. If it is considered that, with exception of the general petition for the Carthusians, all these documents refer to French dioceses, and if France's political conditions in those days are remembered, it cannot surprise to meet manifestation of profound ignorance in these deacons and priests.

Without a single exception the case is always that of just once hearing a priest's confession; this must be kept in mind when dealing with these cases, especially as persuasion, command, *timor reverentialis* and similar inducements played a chief part. The spiritual condition of the priest who made such

[1]) In Göller, *Die Päpstliche Pönitentiarie von ihrem Ursprung bis zu ihrer Umgestaltung unter Pius V.* First volume, part I., p. 108 (Rome, Löscher, 1907), this case is under the head *de promotis* not even mentioned.

requests of the non-priests, no doubt often with perfect understanding of their unlawfulness; vide the words: *quod peccatum totum supra se retinere volebat,* is hinted at above. It was probably a case of *rather this than nothing.* I must state here that I have not so far found a single case of this description recorded under the predecessors of BENEDICT XII.

Repeated performances of various priestly functions are related in document No. 5. ADAM SELE DE ALDEPORTE, in the diocese of Lichfield, was troubled by his conscience, and made a pilgrimage to Rome, there to obtain absolution. He submitted to the Pope a petition in which he sets forth, that, as deacon, he baptized two children, one of them being at the point of death, buried the body of the one deceased, and administered Extreme Unction to a sick woman. He had done this at the bidding of a priest, who had said, *quod ei ex officio licebat hoc efficere ac debebat.* Without securing absolution and dispensation, in his ignorance, he had been ordained priest. At his solicitation *sedes apostolica super eis cum ipso in forma solita dispensavit,* but he was not to perform any priestly functions for the time being, and was directed to enter an order. For more than a year ADAM endeavored to comply with these conditions, but on account of his advanced age no order would accept him. He therefore made another pilgrimage to Rome, related his experience in a second petition, in which he remarked that he *per huiusmodi tempus non ministravit in sacerdotali ordine.* Since his offences had been entirely private, BENEDICT XII. commissioned his Grand Penitentiary, CARDINAL GAUEELMUS, Bishop of Albano, to

give dispensation to ADAM *consideratis angustiis suis per tempus, quo non ministravit in eodem sacerdotali ordine, gravibusque ipsius laboribus, quos pro expeditione predictorum pertulit nunc et alias ad Romanam Curiam personaliter veniendo,* and after the imposition of a suitable penance to reinstate him in his privileges.

As regards ADAM's punishment, it appears more severe to us than that imposed in the preceding cases of Confession, although his offense of itself was not as grave as that of the others. This may be regarded as proof that at the Curia these cases occurred so rarely that a fixed procedure had not been adopted, but that such cases were decided individually whenever they came up for consideration.

We find in LEA's two volumes a number of observations about the administration of Baptism: these I will supplement by some accounts from the fourteenth century. In document No. 11 we have a decree of BENEDICT XII., which may be joined to that of CLEMENT VI., in No. 17. PETRUS ARMENUS DE MAIORI ARMENIA had been baptized and ordained to the priesthood in his native land. In the year 1336 he arrived at the Curia, and as he doubted *an in partibus suis fuisset in forma Ecclesie veraciter baptizatus,* he was at the Curia again, conditionally, baptized. PETRUS now requested the Sacrament of Confirmation, and permission to receive all holy orders. The Pope commissioned the Archbishop of Genoa, in whose diocese PETRUS had taken up permanent residence, to accede to this petition if conditions were as stated. Some years later

a friar, JOHANNES ARMENUS DE MAIORI ARMENIA related of his having heard in his monastery in Tuscany that BENEDICT XII. intended to imprison as heretics all Armenian Regulars who had not been conditionally rebaptized. Thereupon JOHANNES went to the Curia *et cum fuisset ad presentiam domini abbatis quondam de Pina ductus, ac per eundem dominum abbatem interrogatus, qua forma fuerit primitus baptizatus, ipse respondit sic;* JOHANNES *servus Christi veniens ad cathecummitatem (sic) ad baptismum baptizetur in nomine Patris et Filii et Spiritus Sancti, etc.* The abbot then declared that this Greek form of baptism was not recognized by the Church of Rome, and he rebaptized JOHANNES conditionally. Later on FRATER JOHANNES heard from the lips of BENEDICT XII. himself *quod dicta forma valebat ad verum baptismum,* and in consequence he resumed his priestly functions. Now he begs to be enlightened as to whether he acted correctly. The Pope's reply says: *Fiat, et ministret in susceptis rite ordinatus, non obstante rebaptizatione sub conditione facta.* The Armenian affairs at that time occupied for years the attention of the Curia, to which numerous acts in the Vatican archives bear witness; the most important of them have been republished by RAYNALD in his *Annales.*

The three documents, 12, 13 and 14, refer to three Orientals who represented themselves falsely as Catholic dignitaries and deceived the people with forged Papal Bulls; they especially oppressed the large number of Armenians residing in Italy, whose baptism *secundum formam Sanctae Romanae Ecclesiae abominabantur.* Unfortunately I have been

unable to find further information about the fate of these knaves whose arrest was ordered in these documents.

HEINRICH FINKE, in his recent work on the Order of Templars, takes exception to LEA's views about the lay confession in this Order[1]). I quote from his work the following: *The latest research has shown that in the thirteenth century there existed a certain inclination among the lay members of religious orders to extend lay confession further than cases of necessity, and that also in other circles it was advocated in cases where some, though not pressing, need obtained.* LEA *has now built up an elaborate system to establish his contention that lay confession was the original and only form of confession in this order, until with the Lateran Council confession to a priest was introduced, and that in this fact, the imposition of penance being considerably more lenient, lay one of the reasons for the demoralization of the order. This opinion is based upon unproved, and partly false, premises. I cannot possibly attribute to the question of lay or priest confession such importance for the religious life of the Templars, especially as we see that the original manifestation of conscience still existed in the order.*

To this FINKE makes the following annotation: *Compare* LEA *III. (p. 325 in the French translation). Also his paper: The Absolution formula of the Templars, in: Papers of American Church History Society, Vol. V. (1893), p. 37. In his quotations from* THOMAS AQUINUS, *the Summa Astesana,*

[1]) *Papsttum und Untergang des Templerordens.* Münster, 1907, Vol. I., p. 397.

and the Summa Rosella, he has overlooked passages that express a different view. The most serious oversight happens to LEA *when he quotes* JOHANNES *of Fribourg: Summa casuum l. III. t. XXXIII. quaest. 48 (not 47): Quis possit absolvere Templarios, Hospitalarios et alios religosos non habentes prelatum sacerdotem? Respondeo secundum Raymundum § XVIII. Item quod Templarii: Credo quod non possint absolvi a talibus prelatis, cum non habeant ordinem clericalem, nisi habeant hoc de speciali privilegio sedis apostolice?*

Then further: Hodie autem expressum est de fratribus Hospitalis Jerosolimitani, quod possint a suis prioribus, qui presbiteri debent esse, absolvi, sicut regulares alii a suis prelatis. LEA *is under the impression that there is question here of the absolution in confession, while in reality the absolution from excommunication is referred to.* LEA *would have avoided this blunder, had he himself examined the passages, since the preceding par. 47 begins with: Deinde quero, utrum regulares possint absolvi a prelatis suis a canone late sententie. And there follows par. 48, stating that while the priors of the Dominicans and Minor Friars may absolve their monks, the priors of other regular orders could not so absolve, because they stand ad nutum of their superior. The entire question brought up by* LEA *is in need of a new and careful investigation.*

FINKE has here ably pointed out another proof of my contention that LEA, to a great extent, works with material which others prepared for him.

With this I conclude my remarks about the two volumes on Auricular Confession. Their perusal is not

a pleasant task since the author's presentations are in many cases unreliable, and the reader is therefore permanently in doubt as to whether the matter actually is so as LEA puts it. These volumes are valuable only in so far as their references to the literature on the subject are surprisingly complete, and, furthermore, because they cleverly bring up questions, the thorough handling of which, by a schooled theologian, would be welcomed with great satisfaction by all those concerned.

III.—INDULGENCES.

I turn now to the volume which deals with Indulgences. This volume is composed of the following chapters:

General Theories, Requisites for Indulgences, Development, The Jubilee, The later Middle Ages, Application to the Dead, The Reformation, The Counter-Reformation, The Stations of Rome, The Religious Orders, The Confraternities, Indulgenced Objects, Modern Expansion, Apocryphal Indulgences and *Influence of Indulgences.*

With considerable satisfaction I can state that LEA manifests in this volume a better knowledge of his subject than is the fact in the preceding two volumes.

His introductory observations, relative to the age of *indulgentiae,* are entirely devoid of a clear distinction of what in early Christianity might be recognized as indulgences in the widest sense, and what must be properly understood by indulgences since the eleventh century. The decision of the Council of Trent, and the note on II Cor. 2, 8-10 in the official edition of the Vulgate, will be made to agree without difficulty if, as is proper, the term *indulgentia* is interpreted in the general sense of remission. All of LEA's quotations refer to Indulgences in the sense of our present time, they are therefore correct in allowing to them only a relatively early origin. With LEA's investigations concerning the *invention of the thesaurus ecclesiae,* about the middle of the thirteenth century, and the

theology he deduces therefrom I will not occupy myself here[1]) nor with his entirely miscarried examinations of the term *a culpa et poena,* which I shall have to take up at some length in my last chapter.

Although LEA makes sincere efforts to work up in an unobjectionable manner the entire casuistry of the foundations for indulgences, and though he does point out many interesting facts, yet withal he fails to arrive at theologically and historically safe conclusions (pp. 96-130). The then following discussion of the development of Indulgences, in which a large number of false grants are introduced with critical appreciation, are related in some extent to Chapter 14, which deals *ex professo* with *Apocryphal Indulgences.* We must agree with LEA when he singles out the Carmelite forgeries[2]) as the most extensive of all those emanating from religious orders. It is, as should here be recorded, a favorite trick of our impartial Mr. LEA, found in all his works, to use the expressions *sell, payment,*—as if there was concerned a transaction by some one who wished to secure a personal profit, whenever there is imposed the condition to give alms to the poor, to lepers, hospitals, churches, the Holy Land, etc. Had he confined himself to the use of the word taxes in the technical sense and not, as he does in his usual

[1]) Some huge theological blunders found on pp. 54-57 do not call for special mention; they are familiar occurrences after the numerous instances of this kind in the preceding volumes.

[2]) Compare the recent Chevalier paper, *Un document en faveur de Lorette,* in *Mélanges d'Archéologie et d'Histoire,* XXVII., pp. 143-151.

sneering fashion, as a commercial term, the matter might be passed over with allowance for bias. The cession of any part of movable possessions for religious purposes is never characterized by him as a meritorious work, but invariably as a mercenary transaction, usually reprehensible, as pointed out by him in a short paragraph on page 179. Had he restricted this characterization to instances which actually suggest such interpretation, there would of course be no objection. At any rate LEA's theological schooling is not thorough enough to allow the reader of invariably accepting his occasional constructions of Simony as satisfactorily proved.

The fourth chapter, on the Jubilee, and his references in other chapters to this subject, are far surpassed by HERBERT THURSTON's[1]) investigations, so that in all these matters I may refer to the latter's thorough and very interesting work.

With LEA's criticism of the Portiuncula Indulgence (p. 236),—I refer for further information upon this matter to the recently published authoritative work by KIRSCH[2])—we can only agree, where it is expressed in befitting manner. The then following

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[1]) The Holy Year of Jubilee. An account of the history and ceremonial of the Roman Jubilee (London, SANDS & Co., 1900). Richly illustrated. Of LEA the author has this to say on p. 332: *Mr.* LEA, *in particular, is one of those gentlemen whose principle of historical investigation is to devise a theory first and to make the facts fit in with it afterwards. If they will not fit in with it, so much the worse for the facts, and, as the investigator who follows up Mr.* LEA's *trail soon begins to discover, they suffer a procrustean curtailment which alters their appearance very considerably.*

[2]) *Der Portiunkula Ablass. Eine Kritisch-historische Studie.* (Tübingen, LAUPP, 1906).

discussion of the Carmelite Indulgences excite in the reader the lively desire that to this question may soon be devoted a special inquiry by a theologian versed in history. It would be well worth while.

Scriptural quotations in favor of purgatory, only partially cited on page 296, are carelessly dismissed by LEA with the remark that they *plainly have no bearing on the matter.* Thus the road is cleared for the *invention* of purgatory, and we are treated to a theological lecture which must be counted among the most curious achievements of the author. The universal acceptance of the *newly invented* doctrine of purgatory is laid in the time of HUGO OF ST. VICTOR, and, singularly, it coincides *with the sacramental theory, developed at this period.* These matters were now mixed and the basis for the application of Indulgences to the departed was furnished. Can a simpler and yet more effective procedure be imagined? Catholic Theology has much to learn before it can boast of the acuteness of LEA'S discernment[1])! It cannot surprise us then if we are told on page 330:

The liturgies of the period are full of formulas which show that the prayers in the masses were not to relieve from purgatorial pains, but to release from hell, and a survival of this in the modern ritual, after such power has been disclaimed, has not been found easy of explanation.

According to this the ancient Church laid claim to power even over the damned in hell, until me-

[1]) This discernment is demonstrated most forcibly in LEA'S passage (page 557): *The Church had long been accustomed to the use of forgery in substantiating its dogmas and its claims.* Compare also p. 570.

dieval theology resolved to abandon them to their fate. This is an illustration of the fatal risk one takes by the reckless juggling of undigested ideas and of arbitrarily distorted quotations. Without having exhausted the passages of the volume that call for criticism I will end this chapter by quoting LEA's final verdict which he clothes in the following words:

Step by step it (the church) *has abandoned its function as the guardian of morality and has devoted itself to smoothing and broadening the steep and narrow path. In each successive age it has claimed that the increasing wickedness of man renders impossible the maintenance of the old severity, and by condescending to that wickedness it has stimulated, rather than repressed the evil. Its effort has been, not to make men better, but to save them from the consequences of their sins. The power which it claims as entrusted to it by God has been wielded to elude and not to vindicate the justice of God. Deeming its mission to be the saving of souls, it has mattered little how that end was attained in accordance with the artificial theories of scholastic theology as interpreted by the rules of moral theology. If the sinner cannot be induced to abandon his sin he can at least be kept in ignorance that he sins; his fear of hell can be removed by absolution, and of purgatory by an indulgence; his conscience can be soothed and he can be kept in obedience to the kindly Mother Church whose benignity thus assures him of heaven without imposing burdens on earth too heavy for his weakness.*

In LEA's writings we see it plainly demonstrated how it does not suffice to gather with tremendous industry, material, even the most remote, but that sufficient theological learning is requisite to examine and use such material in a suitable, correct and unobjectionable manner.

IV.—THE INQUISITION OF THE MIDDLE AGES.

LEA has gathered loosely connected gleanings, on the subject *Superstition and Force,* into a volume which has already been published in the fourth edition[1]). To the adept in the history of medieval jurisprudence the matters treated here are familiar from numerous German and French works that deal with this subject in a much more scientific form than is the fact in LEA's volume. Since its first edition in the sixties of the last century, the author has made revisions so numerous that they amount to a complete rewriting. I can save myself the trouble to deal with this book in detail, as it is but the introduction to LEA's researches into the Inquisition of the Middle Ages, with which work it shares all its peculiar merits and defects.

In the year 1888 there appeared LEA's *A History of the Inquisition of the Middle Ages.* The sale of the work having been very unsatisfactory, its publisher brought out in 1906 a new edition of the first two volumes, which upon closer inspection proves to be the old book with a new title page[2]), a procedure by which the author has been rendered the worst possible service, for the purchaser will ask

[1]) This edition I know only from references and reviews. The second edition, which I have before me, appeared in 1870.

[2]) Three volumes. New York: The MACMILLAN Company. It is seen by the water mark that only the title page was reprinted. This is even the second remarketing of the original sheets with a new title page, as, according to HANSEN, one such was brought out also in 1900.

himself wonderingly why the literature, which for the twenty years previous appeared in abundance on this subject, has not been considered. That this is a misleading of the buying public, even though unintentional, can hardly be disputed, no announcement or explanation of the fact being furnished. It may be presumed that the author had no part in this deception, brought about, I suppose, by a change of publishers. The third volume, the paper of which is quite different from that used in the two others, bears on a front page, quite small and in an insignificant place, the information *First published elsewhere. Reprinted February, 1906.* This, therefore, is an unchanged reprint. It was only due to careful search for some kind of notice about the new title page, that I discovered this remark. It will completely escape the attention of most purchasers.

The entire work comprises three books,—coinciding with the volumes,—namely:

I. Origin and Organization of the Inquisition, II. The Inquisition in the several Lands of Christendom, III. Special Fields of Inquisitorial Activity.

Upon the foundation laid in the first chapter, which deals with the situation of the Church in the twelfth century, there are built up the other thirteen chapters of the first book, headed as follows: *Heresy; The Cathari; The Albigensian Crusades; Persecution; The Mendicant Orders; The Inquisition founded; Organization; The Inquisitorial Process; Evidence; The Defense; The Sentence; Confiscation; The Stake.* The second book occupies itself with *The Inquisition in Languedoc; France; The*

Spanish Peninsula; Italy; The Slavic Countries; Germany; and *Bohemia.*

The third volume takes up the particular objects of inquisitional activity, such as the Spiritual Franciscans; Guglielma and Dolcino; the Fraticelli; Sorcery and Occult Arts, Witchcraft; the eighth chapter discusses the problem: Intellect and Faith, the ninth is the Conclusion. All three volumes are furnished with appendices of documents, and in the third volume is found an elaborate general index covering seventy pages of two columns each.

It may here be conceded that though there have since 1887 appeared many works on the Inquisition, there is not one that treats the subject to this extent in detail and period[1]). This is not by any means to be understood to mean that LEA has written a real and true history of the Inquisition; he has not; notwithstanding the fact that many of his critical admirers claim this with considerable reiteration, without thereby strengthening their assertion. Any one who has followed with some attention the researches in this direction, knows that the time for the writing of a reliable history of the Inquisition can only arrive after the most important documents in all countries have been thoroughly sifted and critically published. LEA's enterprise, in so far as it pretends to be a *history* of the Inquisition must therefore be viewed as an effort made

[1]) Despite the diligence with which LEA has collected his authorities he has not succeeded in making them complete. This is best proved by HENNER's work: *Beiträge zur Organization und Kompetenz der Päpstlichen Ketzergerichte* (Leipzig, 1890), in which the author makes use of a large number of data which have completely escaped LEA's notice.

with inadequate means, despite his considerable pains to gather the material.

A sketch on *The Domination of the Church in the Twelfth Century* forms the foundation of his presentation of the subject. I must here quote the captions of the subdivisions of the first chapter. As *Causes of the Antagonism with the Laity* he enumerates: *Election of Bishops; Simony and Favoritism; Martial Character of Prelates; Difficulty of Punishing Offenders; Prostitution of the Episcopal Office; Abuse of Papal and Episcopal Jurisdiction; Oppression from the Building of Cathedrals; Neglect of Preaching; Abuses of Patronage; Pluralities; Tithes; Sale of the Sacraments; Extortion of Pious Legacies; Quarrels Over Burials; Sexual Disorders; Clerical Immunity; The Monastic Orders.* As part of the religious history of the Middle Ages Lea discusses *Tendency to Fetichism*[1]*), Indulgences,* and *Magic Power of Formulas and Relics,* to which is appended an anthology of *Contemporary Opinion.*

Whatever there could be unearthed of scandalous, smutty, cruel, incidents and anecdotes, confirmed and more frequently unconfirmed, in the entire literature, Lea has diligently and industriously brought here together, under aspects suitable to his purpose, without any attempt at a critical discrimination, and this sort of thing he retails as Church history! Even the erection of the glorious church

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[1]) Vol. I., p. 40, *The theory of justification by works, to which the Church owed so much of its power and wealth, had, in its development, to a great extent deprived religion of all spiritual vitality, replacing its essentials with a dry and meaningless formalism . . . religion had become in many respects a fetichism.*

edifices, to this day the pride of European countries, LEA characterizes as an evil outgrowth of that wicked period. In this discovery the Philadelphia scholar stands, of course, completely isolated. I have taken the trouble to go through this part repeatedly and can only state that its matter, its in places coarse and disgusting language, together with its absolute lack of theological and historical perception, combine in presenting a sad picture of LEA's erudition[1]). Any one in search for a historical work thoroughly saturated with bias and prejudice, may have his curiosity gratified by taking up this one.

LEA frankly avows that his sympathies are on the side of the heretics (p. 61), although on page 106 he admits that the Cathari with their teachings would have undermined all culture, would have even put in question the propagation of the human race had they been successful. LEA's keenest partisanship is manifested in the fourth chapter, which deals with the Albigensian Crusades. Without the slight-

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[1]) If the history of LEA's own country in the nineteenth century were written according to LEA's recipe, it would come under the following heads: Bloody Persecution and Massacre of Catholics, Their Social Ostracism; Lynch Law; Representatives of Political Morals, AARON BURR, MARTIN VAN BUREN, Tammany Hall, POLK, Carpet-Baggers, TWEED; Commercial Morals: Pools, Trusts, Wall Street Bucket Shops, Club of Millionaire-Senators; Organized Fleecing of Immigrants in New York; *Benevolence* toward the Indian; Devastation of the Forests; Land Frauds; Know-nothingism; A. P. A.; Abortions of Elections; Hypocrisy toward the Negro; Religious Excesses; Superstition; Literary Piracy; Corruption in the Administration of Union, States and Cities, etc. This list could, of course, be much extended, if required. In point of fairness such a schedule of American history would be equal to LEA's picture of the Church in the twelfth and thirteenth centuries in this volume.

est regard for authoritative, critical, valuations of the particular sources, such as have, for instance, been undertaken by genial DE SMEDT[1]) he narrates the great struggle in Southern France entirely from his own authorities, and these prove to be at every turn almost worthless owing to grossest partiality. The Pope, legates, and bishops are made out liars, hypocrites, avaricious, cruel; the Crusaders, with few exceptions, were loafers and knaves; on the other hand the Albigenses and their protectors are all highly respectable, even saintly, men, the Counts of Toulouse unfortunate noblemen of most exalted sentiments and worthy of all praise. If the soldiery of SIMON DE MONTFORT had been the disreputable rabble as which LEA pictures them to us dozens of times, we must ask in astonishment how it was possible that MONTFORT achieved with them such surprising results! To ascribe these achievements solely to his personal ability would be a poor subterfuge. Page after page we meet with biased and envenomed narration, so that there are few chapters in all of LEA's numerous books that can be compared to this one in unreliability and distortions of the most painful kind. Since the great Pope, INNOCENT III., is in this chapter remembered by LEA with various epithets, it occurred to me to collect

[1]) *Revue de Questions Historiques* XVI. (1874): *Les sources de l'histoire de la Croisade contre les Albigeois.* Since LEA, either personally or by proxies, looked up all the literature bearing on his subject, it is most difficult to believe that this effective, convincing, proof of the complete unreliability of the chief witness for his charges should have remained unknown to him. However, that may be, LEA's argument receives through this omission the character of a violent harangue of an attorney at court who by vituperous abuse seeks to offset the weakness of his evidence.

these characterizations as they are found in the first volume, and thus we read on page 13; *A resolute and incorruptible Pontiff like* INNOCENT III.; on page 18, *An upright Pope like* INNOCENT III.; on page 127, *The vigorous ability of* INNOCENT III.; on page 128, *It is fortunate for civilization that he possessed the qualifications which enabled him to guide the shattered bark of* ST. PETER *through the tempests and among the rocks,—if not always wisely, yet with a resolute spirit, an unswerving purpose, etc.;* on page 129, INNOCENT'S *fearless spirit;* on page 130, *His dealings manifest an evident desire to do exact justice;* on page 132, *He resolutely bent his energies;* on page 150, INNOCENT *played skillfully, cruelly, and remorselessly;* on page 151, *faithful to his prearranged duplicity;* on page 163, *he returned to the duplicity which thus far had worked so well;* on page 164, *All this was fair seeming enough, yet it is impossible not to see the purposed deceit;* on page 165, INNOCENT'S *approbation of this cruel comedy;* INNOCENT *kept an eye on the profitable side of persecution;* on page 169, INNOCENT *seems to have been aroused to a sense of the scandal created by....his policy;* on page 170, *place* INNOCENT *in an unfortunate light as an upright and impartial judge;* on page 173, *justifying doubts of the sincerity of* INNOCENT'S *orders;* on page 174, *the struggle was hard for a proud man, but he finally yielded to the pressure;* on page 178, *another act in the comedy which* INNOCENT *and his agents had so long played;* on page 180, *It was but a small share of the gigantic plunder and* INNOCENT *would have best consulted his dignity by abstention;* on page 234, DOMINIC

and FRANCIS, BONAVENTURA *and* THOMAS AQUINAS, INNOCENT III. *and* ST. LOUIS *were types, in their several ways, of which humanity, in any age, might well feel proud;* on page 306, *The enlightenment of* INNOCENT.

The character of the great Pope[1]) has therefore been endowed by LEA with the following traits:

Resolute, forceful, able intrepid, energetic, enlightened, sincere, the pride of humanity, incorruptible.	Insincere, playing comedy, eager for plunder, unconscientious, double-dealing, deceitful, partial, cruel.

I think this parallel, which anyone may verify for himself, will suffice to show how LEA suits his verdicts to momentary requirement, rather than to evidence and fact. That a historian may charge most conflicting qualities to one and the same person, and then expect to be taken seriously is of course absurd. The above example of conflicting opinions about INNOCENT III. could be followed up by similar parallels about other personages dealt with by LEA, but I must forego the task for this time.

The aggregate of his remarks concerning Church, Popes, Curia, Bishops and priests is that they were, with few exceptions, dishonest, avaricious, worldly, intemperate, ignorant[2]), usurers, sharks, scourges

[1]) What the chroniclers of the Middle Ages thought of INNOCENT may be ascertained in the brief account in POTTHAST'S *Regesta*, I., 461. By the way, LEA should have informed himself as to the Pope's correct date of death. Compare his false statement in Vol I., p. 185.

[2]) LEA forgets in this oft repeated charge to suggest what became of the thousands of graduates from the universities. Again, LEA frequently lays stress upon the fact that the clergy at that time were almost the only persons of

for the people, simonists, unjust, oppressors, etc. LEA's charges, it is true, are warranted in some single instances; things have occurred which deserve such characterization; this no historian will deny. But his unwarranted generalization must be, in this as in many other matters, the reason that the author will with unbiased readers utterly fail in his purpose of making everything Catholic contemptible.

The fashion of piling quotations at the end of paragraphs *sub una conclusione* seems to have been purposely designed to put the greatest obstacles in the way of an examination of LEA's statements. One is left in the dark as to which particular assertion is supposed to be supported by the 6, 7, 8, 10 and more references jumbled together. After the reader has grappled with a number of them without obtaining the desired elucidation, he gives the matter up as perfectly hopeless, especially as most references are of such laconic brevity as to suggest a purpose, unless we prefer to believe that the author commissioned others to make excerpts for him, which he then, it appears, employed carelessly and indifferently, the titles often misstated and unrecognizable. Some staggering assertions of LEA on the admission of evidence, have been closely examined by RINIERI, in the *Civilta Cattolica,* Nos. 1364 and 1365. Thus LEA writes (Volume I., p. 430):

Yet the subject of evidence as treated by the Inquisition is not wholly to be passed over, for it af-

schooling, so that by means of their mental superiority they could plunder the people so much more readily. How these different assertions can be made to harmonize it is for LEA to explain.

fords fresh illustration to the manner in which the practice of construing everything, in favor of the faith, led to the development of the worst body of jurisprudence invented by men and to the habitual perpetration of the foulest injustice. The matter-of-course way in which rules destructive of every principle of fairness are laid down by men presumably correct in the ordinary affairs of life affords a wholesome lesson as to the power of fanaticism to warp the intellect of the most acute.

And to this LEA adds, on page 434:

Two witnesses were usually assumed to be necessary for the condemnation of a man of good repute, though some authorities demanded more. Yet when a case threatened to fail for lack of testimony, the discretion of the inquisitor was the ultimate arbitrator; and it was agreed that if two witnesses to the same fact could not be had, single witnesses to two separate facts of the same general character would suffice. When there was only one witness in all, the accused was still put on his purgation. With the same determination to remove all obstacles in the way of conviction, if a witness revoked his testimony it was held, if his evidence had been favorable to the accused, the revocation annulled it; if adverse, the revocation was null.

It is plainly stated here by LEA that if two witnesses could not be secured against the accused, and if the action for complete want of evidence would have had to be dropped, the arbitrary opinion of the Inquisitor decided as court of final appeal. This statement LEA bases upon the following enigmatical references:

Archidiaconi Gloss. super c. XI § 1 Sexto v. 2 — Joann, Andreae Gloss. sup. c. XIII § 7 Extra v. 7. — Eymeric. Direct. Inquis. pp. 445, 615—16. — Guid. Fulcodii Quaest. XIV. — Zanchini Tract. de Haeret. c. XIII, XIV. — Bern. Guidon, Practica P. IV. (Doat, XXX).

When RINIERI had, with much difficulty, ascertained the passages alluded to in these references, he subjected them to an examination in which he employed great erudition and caution as to their precise wording and meaning. The result is that NOT EVEN ONE of the historians quoted by LEA to support his severe charges states what LEA makes him state. Nay, more; an examination of these passages in the original shows that their sense is the exact opposite of LEA's statements, so that RINIERI is well justified in remarking:

Delle sei citazioni di autori allegati da lui, nor una sola è riscontrata vera. Anzi le autorità da lui accampate con magno sfarzo di citazioni, non solo non comprovano i suoi aggravamenti, ma si rivolgono contro di lui. Le quali per conseguenza, checchè ne sia delle intenzioni dell' uomo, pongono certamente lo scrittore in una condizione assai delicata; in quella cioè di un attore, il quale, fallita la prova, ex actore fit reus[1]).

It would lead me too far, were I to adduce proof that this state of affairs exists also in many other instances of this work, and yet, if there ever was a book the statements of which have *without examina-*

[1]) No. 1365, p. 285.

tion been accepted by many in blind faith, as unerring truth, it is the one before us.

Moreover, it is also a fact that a large number of quotations are false or mutilated, that LEA's dates of election, installation and death of Popes, the dates of appointments of Bishops and their names, the dates of Bulls and other documents, and kindred matters can never be accepted without verification, since in these important particulars there are so many blunders in these volumes. It happens, furthermore, that in one annotation the same reference is given twice; all of which is significant of LEA's manner of working, as regards his revision of the literary material supplied by his hired assistants[1]).

It is by no means sufficient to ascertain and read all the related literature, the historian must also understand its purport. This is possible only then when he realizes the spirit of the century in which those

[1]) In Vol. I., on pp. 381 and 419, GUILLEM GARRIC languished in prison for *about thirty* years, until he was sentenced in *1321;* on p. 467 the time is *thirty* years; on p. 517 he is sentenced in *1319* for a deed committed in the year *1284,* while the date of the crime is laid on p. 425 in the year *1285.* ST. PETRUS MARTYR is on p. 239 declared insane. Of FRANCIS OF ASSISI it is declared, on p. 250, that not without reason he was suspected of insanity. Just to give an illustration of LEA's accuracy I quote here a few instances of false dates found in the first volume, p. 185: INNOCENT III. died on the 16th, *not the 20th* of July, 1216; p. 231, the body of POPE FORMOSUS was disinterred by STEPHEN VII. after nine months, *not seven;* SERGIUS III. disinterred the same body again in 904, *not in 905;* p. 284, ALEXANDER IV. was elected, *not after a two weeks'* vacancy of the See, but after one of five days; the 31st of December is the 19th, *not the 10th,* day after ALEXANDER'S ascension to the throne, and the 11th after his coronation; the Bull here in question was *not granted on the 31st,* but on the 22nd December (POTTHAST, 15602), so that the ten days intermission becomes correct; p. 288, CLEMENT IV. was elected, not *1264,* but on the 5th of February, 1265.

writings and documents were composed; when, for the comprehension of juridical[1]) questions, he has fully grasped the mental condition of the people in those times in relation to culture, religion and State; if he, briefly, presents conditions of those times not measured by our standards but in the light of the views and usages of their own times. In this respect LEA bears witness, on almost every page of his volumes, that he was not equal to his task.

That LEA, however, had no intention to do the work in this manner is evident from the following suggestive words in his preface (page IV.):

No serious historical work is worth the writing or the reading unless it conveys a moral, but to be useful the moral must develop itself in the mind of the reader without being obtruded upon him .... I have not paused to moralize[2]*), but I have missed my aim if the events narrated are not so presented as to teach their appropriate lesson.*

Unless the plain sense of these words is intentionally ignored they must leave a most painful impression. For here it is clearly avowed that LEA's rendering had the intention to serve certain definite purposes.

The uncommonly keen activity of the last twenty years to throw light upon the history of the Templars and their downfall, renders that particular section in LEA's third volume (pp. 237-378) especially interesting. In FINKE's opinion[3]) LEA *has*

[1]) The Inquisition is described as a *hideous system of foulest injustice*. Similar forceful expressions are abundant.
[2]) This claim is false, the work is a continual moralizing.
[3]) *Papsttum und Untergang des Templerordens.* 1907, Vol. I., p. viii.

greatly helped to bring it about that the majority of historians now believe in the guiltlessness of the Order; yet LEA *is, in his individual statements, extremely incorrect, often prejudiced, and in his final verdict of the entire problem, he has, as* PRUTZ *rightly points out, been wanting in consistency.* And on page X FINKE refers to LEA's unwarranted accusations, about which he counsels caution.

LEA's habit, due to long commercial occupation, to regard everything in the light of dollars and cents, causes him to characterize as greed also CLEMENT V.'s attitude toward PHILIP OF FRANCE in the year 1307. FINKE[1]) opposes this with the words: *First of all* LEA *is here guilty of numerous positive mistakes; proceeding from an undeniable characteristic of the Pope, his love of money,* LEA *seeks to explain* CLEMENT'S *entire conduct solely by his fear that the possessions of the Templars might be lost to him (p. 277). LEA does not consider other nobler, even more natural motives, and thus creates a caricature.*

On page 249 LEA writes, in discussing the Templar's wealth:

An anonymous contemporary tells us that the Templars were so rich and powerful that they could scarce have been suppressed but for the secret and sudden movement of PHILIPP LE BEL.

In the passage in Bouquet, *Recueil* XXI., page 149, which FINKE has ascertained, it is said, *Ils estorent bien se puisans et si grans gens,* but not a word is mentioned of PHILIP and his secret assault. This is a further instance of LEA's peculiar

[1]) FINKE, Vol. I., p. 172.

fashion in using authorities and records, a fashion to which I have repeatedly alluded.

The greed for money of which the author has repeatedly accused CLEMENT V., he charges against JOHN XXII. in a still higher degree. Without even an attempt at verifying the rumors of the so-called treasure of this Pope, LEA dishes up, in disgusting loquacity, all anecdotes related to this matter which he has been able to hunt up, and where his informants fail, he exerts his own fancy to get in an extra whack at this Pope. Thus he writes, on page 68 of the third volume:

We can, PERHAPS, MOREOVER, IMAGINE*) *how, in its passage to the papal treasury, it* (the money) *represented so much of simony, so much of justice sold or denied to the wretched litigants in the Curia, so much of purgatory remitted, and of pardons for sins to the innumerable applicants for a share of the Church's treasury of salvation. The permanent evil which he wrought by* HIS SHAMELESS TRAFFIC IN BENEFICES*), *and the reputation which he left behind him, are visible in the bitter complaints which were made at the Council of Sienna, a century later, by the deputies of the Gallican nation.*

The dispute, not important of itself but attaining great celebrity through accompanying circumstances, about the throne-succession in Ferrara under CLEMENT V., is related by LEA (Vol. III., page 194) in a gloating and somewhat fantastic manner, while his regard for exact statements and dates, as usual, is very slight. If his presentation is compared

*) Capitals mine.

to EITEL'S[1]) who is equipped with a much more exact knowledge of the material, and who accords a calmly estimating criticism to all those concerned, it will be realized how much LEA in his writings really allows himself to be biased by his enmity toward the Papacy.

The above discussion of various important points allows to the reader a glimpse into LEA'S workshop, and characterizes the atmosphere which there prevailed when he composed this work. Yet with all its pronounced bias, and with all the evil results proceeding from its partisanship, there are, though not frequent, *lucida intervalla.* Hence he who would condemn these three volumes as absolutely worthless would be greatly in error. There, for instance, where the actual process or the Church and her representatives cannot be made to play a conspicuous part of the recital, there prevails a greater calm and ease of perception, which render possible an absolutely appropriate employment of the rich material. The work can therefore in many matters, of course with the indispensable precaution as regards LEA'S authorities, be used to real advantage.

I do not care to take up further details of the work. LEA'S verdict upon the medieval Inquisition[2]), however, I will not withhold from the reader:

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[1]) *Der Kirchenstaat unter* KLEMENS *V. Abhandlungen zur mittleren und neueren Geschichte, herausgegeben von* BELOW, FINKE und MEINECKE. No. 1 (Berlin-Leipzig, ROTHSCHILD, 1907). Kapital VII., *Ferrara und die Este,* p. 170.

[2]) Volume III., p. 650.

A few words will suffice to summarize the career of the medieval Inquisition. It introduced a system of jurisprudence which infected the criminal law of all the lands subjected to its influence, and rendered the administration of penal justice a cruel mockery for centuries. It furnished the Holy See with a powerful weapon in aid of political aggrandizement; it tempted secular sovereigns to imitate the example; and it prostituted the name of religion to the vilest temporal ends. It stimulated the morbid sensitiveness to doctrinal aberrations until the most trifling dissidence was capable of arousing insane fury, and of convulsing Europe from end to end. On the other hand, when atheism became fashionable in high places, its thunders were mute. Energetic only in evil, when its powers might have been used on the side of virtue, it held its hand and gave the people to understand that the only sins demanding repression were doubt as to the accuracy of the Church's knowledge of the unknown, and attendance on the Sabbat. In its long career of blood and fire, the only credit which it can claim is the suppression of the pernicious dogmas of the Cathari, and in this its agency may be regarded as superfluous, for those dogmas carried in themselves the seeds of self-destruction, and higher wisdom might have trusted to their self-extinction. Thus the judgment of the impartial history must be that the Inquisition was the monstrous offspring of mistaken zeal, utilized by selfish greed and lust of power to smother the higher aspirations of humanity and stimulate its baser appetites.

In conclusion I will say that I join fully and unreservedly in BLOETZER'S comprehensive opinion:

After all that has been said the verdict upon this History of the Inquisition cannot possibly be favorable. The idea of writing a general history of the Inquisition was daring, the assembling of the material gigantic, the execution of some parts not without ability; however, of defects and misstatements of historical dates there are so many, the argument of the advanced propositions is so weak, the references to literature so incomplete and unsatisfactory, the most venomous and baseless thrusts against the Catholic Church so numerous, and the general conception of the Inquisition so absolutely mistaken that the reviewer must confess a history of the Inquisition, complying with the most modest demands for dispassionate, objective, historical investigation, has even now not yet been written, to our regret.

* * *

From my not inconsiderable collection of documents on the Universal Inquisition I have selected a few, the contents of which are suitable to complete LEA'S material. They are found in the appendix of this book, along with those relating to the administration of the Sacraments as mentioned in a previous chapter. I will here briefly explain their bearing.

BONIFACE VIII., on July 7, 1303, addressed himself to the Inquisitors of the Roman province (document No. 1) and enjoins them from entering into procedures against the Rectors of the *fraternitas Romana*[1]) and the clergy of Rome (compare LEA

[1]) Compare ARMELLINI, *Le Chiese di Roma.*

vol. I., p. 347) ; if they would so do, nothwithstandingly, all their procedures would be void. He transferred to the office of the Vicar *in spiritualibus* of Rome the *inquisitionis officium* against all clerics included in the classes aforementioned, he being held, however, to comply with the statutes of the Inquisitional process :

Proviso quod ad diffinitivam sententiam super crimine, confiscatione, publicatione bonorum vel statu persone cuiusvis ex rectoribus vel clero predictis, contra quem erit diffinitiva sententia proferendum, absque apostolice sedis speciali licentia non procedatis, et si secus feceritis, illud decernimus irritum et inane.

Whénever the Vicars and the Inquisitors were called upon to proceed against a blood relation unto the third degree of those mentioned, *communiter vel divisim,* then both *si divisim processum fuerit,* were held to communicate one to the other their processes *ut per hoc possit melius veritas inveniri.* While the Vicar could proceed to the *sententia diffinitiva* without the Inquisitors, the latter could not do so without the Vicar, under pain of nullity. In a disagreement about the *sententia,* both pleaders must lay their suits *sufficienter instructi* before the Holy See. Not included in this inhibition were the former Cardinals Colonna, their relations and adherents.

Concerning the still largely unexplored labors of the Inquisition in Middle and Southern Italy, under JOHN XXII. (compare LEA, vol. I., p. 44), I submit, in document No. 2, an extended extract from the record of the treasurer of the province of Ancona.

It comprises the expenditures of the Inquisition in the years 1321 and 1322, and depicts in an instructive way the activity of the Inquisitor LAURENTIUS DE MONDAYNO, who preached the Holy Cross against Recanati, Osimo, and other places, as also against FREDERIC DE MONTEFELTRE. In Tuscany and the Maritima we find occupied in a similar way the Inquisitor GUIDO DE PASANO; in Sicily and Apulia the Friar GUIDO DE LAVICTORIA, and Magister GUADAMBIUS DE ALMANDULA. The accounts about the armed attendance of Inquisitor LAURENTIUS gives us to understand that his activity was not without perils. Among the data about several prelates who were sent to preach the Holy Cross in different provinces, we find an embassy to Germany for the same purpose. It consisted of the two Franciscans THOMASSUTIUS DE MACERATA, and PALMERIUS DE SANCTO HELPIDIO, furthermore, of the SER GRATIANUS DE LUCCA and the German PAULUS GOLDESTEN. On March 7, 1322, they received for a four months' journey 192 gold florins, for each therefore 12 gold florins per month. On March 30, however, the two cursores FATIOLUS and CORRADUS DE CAMERINO were despatched after them to make search for them and to recall them:

Ut non presentarent dictas litteras Crucis per Alamaniam, cum sit aliud ordinatum per dominum nostrum summum pontificem.

The Cursores received 24 gold florins. This search must have been futile for the two Franciscans and their Italian attendant (PAULUS GOLDESTEN must have remained in Germany), received on August 30 another payment of 45 florins, having remain-

ed away one month and eight days longer than had been anticipated. For a horse which had perished on the way *propter nimium laborem* Friar THOMASSUTIUS was refunded seven gold florins. A number of remarks about the placing of contribution boxes in churches for the crusade, and about their being emptied by special envoys, deserve attention. In addition to numerous references to the salaries of notaries who copied papal letters and other documents, we find mention of a decapitated German traitor named HUGO DE BRANDESTAN. From his belongings the treasurer gives to Friar THOMASSUTIUS on March 7, 1322, two gold florins.

In No. 15 we have, under date of November 19, 1338, the final balance of accounts of the Inquisitor FRANCISCUS MACHARELLI, O. F. M., who had been active in the *provincia Sancti Francisci.* For the Apostolic Camera there resulted upon inspection of the account a credit of 258 gold florins which he assigned to the Chamber *per manus* MARCELLI DE ASSISIO, BARTHOLI PHILIPPI *et* MARCHONIS DAVICZ *campsorum de Florentia.* In contrast to this smooth settlement there is: 1. The commission of February 2, 1353, (No. 24), in which the Nuncio Abbot RAYMUND is charged, *quod exigat ab iniquisitoribus pravitatis terciam partem bonorum confiscatorum et duas partes condemnationum;* 2. the command to the Nuncio in the kingdom of Naples, of February 16, 1359, (No. 29), to proceed with all means against all former and present Inquisitors who had withheld from the Apostolic Camera its share in confiscations and penances; 3. The order to ARNALDUS DE MOLERIIS of July 23, 1359, (No.

30), on account of similar offenses, to take energetic measures against present and former Inquisitors of upper Italy as far as concerned.

The general power of the appointment of French Inquisitors by the provincial prior of the Dominicans in France*) is, in regard to the Toulouse Inquisitor, restricted (No. 16) to the effect that he must appoint the one named by the provincial prior of Toulouse. The prior of Toulouse himself may also be appointed as Inquisitor. This concession of independence to the Toulouse Tribunal has to my knowledge not been previously pointed out.

A further peculiarity, relating to the appointment of Inquisitors is presented in No. 18. Over the head of the provincial prior of France, the Pope, upon request of the general procurator of the Dominicans at the Curia, appointed February 27, 1343, the prior of Angoulême, ARNANDUS MANDAVINI, to be Inquisitor of Poitiers and the province of Tours. Incidentally the Pope, however, expressly acknowledges: *quod ex commissione huiusmodo nullum ex hoc preiudicium ordini vel illis, ad quos spectat es indultis privilegiis providere, generetur.* The fitness of the appointed is, however, to be testified to by the Dominican Cardinal GERARDUS GUARDIA and others of the Order.

Finally, document No. 34 records, on October 11, 1463, a further exemption from the appointing faculties of the French provincial prior. The diocese of Cambrai was situated in the ecclesiastical province of Rheims, but politically subject to the

*) See FINKE, *Papsttum und Untergang des Templerordens,* Vol. I., p. 147; Vol. II., pp. 44 and 49.

German sovereign. Part of the diocese belonged to the French, the other to the German, Dominican province. Heretics who were hailed before the German Inquisitors claimed to be subjects of the French province, and *vice versa,* so that, through raising the question of competency, many went unpunished. The Bishop petitioned the Pope to transfer to him the appointment of a general diocesan Inquisitor. PIUS II. did not agree to this but only allowed him *pro hac vice dumtaxat* to appoint the Dominican MICHAEL DE MARICOLIS as proposed by him.

In the momentous Florentine dispute (compare LEA, Vol. I., p. 345, and Vol. II., p. 270) one of their citizens, MICHAEL DOMINI LAPI DE FLORENTIA, was appointed at the motion of the General Minister of the Franciscans as Inquisitor for two years, to pacify the Florentines. The General Minister adduces in his petition (No. 23), which was approved April 27, 1347, the words:

Nisi, quod absit, interim racione excessus vel defectus in officio sedi apostolice vel ministro generali ordinis sui videretur amovendus.

A probably unique description of the destruction of houses of heretics and the actual use of the premises as *sterquilinium,* is offered in the petition No. 19, of August 22, 1343. The Inquisitor of Carcassonne, where, according to LEA, (Vol. I., p. 482), other houses of the heretics had been razed to the ground, relates in this petition to the Pope the following: A vacant plot had been created in one of the best sections of the city of Carcassonne by the tearing down of the two, adjoining, houses of the condemned heretics RAYMUNDUS GUILELMUS

MATE and GUILELMUS MARTINI FRENERII. The same was *in detestationem dicti criminis* . . . . . surrendered to *perpetuo sterquilinio.* In consequence *in eadem platea tot sordes et immunditie, que inibi continue proiciebantur et ponebantur, adeo cumulabantur ibidem,* that the stench, especially in summer time, not alone in the vicinity but to a large part of the town had become dangerous and unendurable. Many cases of sickness in adjoining houses would oblige their tenants to vacate the same if there was no redress, although they were in part *pretiosae, solemnes et magnae.* Many of the most prominent citizens had begged the Inquisitor for the permission:

Claudendi dictam plateam undique, non de muro, sed de palis ligneis usque ad altitudinem octo vel novem palmorum super terram, ita tamen, quod dicta platea desuper aperta et per totum inhabitabilis in detestationem dicti criminis perpetuo remaneret.

The Inquisitor ventured not to permit this on his own authority, but made inquiry of the Pope, who replied, *quod idem inquisitor, se sibi videretur expediens, audacter dictam licentiam largiretur.* This reply the Inquisitor now requests to be given in the form of a Bull which should expressly prohibit that the place ever be enclosed in any other than the proposed way, or that anything should ever be erected upon it without the express sanction of the Pope. This request was complied with.

In connection with the aforementioned document No. 23, stands No. 21 of August 4, 1340. In LEA'S biased account (Vol. II., p. 278) of the interdict of Florence, which had been induced by the Floren-

tines placing under their protection the banking house of the Acciaiuoli in opposition to the just demands of Cardinal PETRUS GOMETII, there are missing important points which give to the entire procedure a different aspect, which, however, I cannot discuss here. From this petition of PETRUS DE AQUILA, Inquisitor of Tuscany, it is clear that even the Bishop, and almost the entire clergy of Florence, did not trouble themselves about the interdict, and that the hostile attitude of the whole city rendered it impossible for the Inquisitor to carry out his commission. For this reason the Inquisitor petitioned the Pope that he delegate a Cardinal who *contra predictos sic graviter excedentes procedat et inventos culpabiles puniat* according to Canon Law, and who would compel them to observe the interdict. The Commissary, whom the Pope appointed in the person of Cardinal GUILELMUS DE CURTE, was to proceed *summarie, simpliciter et de plano sine strepitu iudicii et figura;* and as summonses *propter civium saevitiam* could not be made in Florence, their posting in the principal church of Avignon should legally suffice. What measures were taken subsequently by the Cardinal is not known in detail. The final passages of great severity show what importance was attributed at the Curia to the defiant attitude of the Florentines. The by no means prevailing *total* insolvency of the banking house is nevertheless diligently asserted by LEA in order to make the Pope's procedure appear as entirely unjustified. At any rate the advisability of paying the debt should have suggested itself upon reflection to the town, under provision to hold

the original debtor liable, as it was later compelled to do anyway. Their defiance and rebellion caused the inhabitants of Florence a tenfold greater loss than the particular debt amounted to.

Calabria was a favorite refuge of heretics, because in its mountain recesses they could easily go in hiding, (compare LEA, Vol. II., p. 245). INNOCENT VI. directed the Inquisitor FRANCISCUS DE MESSANA on June 6, 1366 (No. 25), to proceed against them with all possible energy, in order that the evil might not spread, and that the guilty ones be punished. In the kingdom of Naples and more so in Venice, the Inquisitors had to overcome great friction with the government before they could properly exercise their official powers. The documents 26, 27, and 28 speak of such difficulties in Venice in the year 1356 (compare LEA, Vol. II., p. 273). Obstacles of another kind are mentioned in No. 31, of August 5, 1366. In the Val Pute of the Archdiocese of Embrun (LEA, Vol. II., p. 152), which was difficult of access and very poor, a large number of heretics had settled down. On account of the objection by landlords, and of the impossibility to find shelter and sustenance, the Inquisitors until now had been unable to settle there. The parish priests, dependent upon extremely meagre *manualia,* could not undertake the work as they had to labor hard for their sustenance. The tithes belonged to the prior of Augustinians at Vulci and to other claimants. In order to make possible the proper spiritual care and instruction of the people, part of these tithes might be retained so that *persone ydonee et literate* might be supported from them,

to whom the parishes upon becoming vacant should be entrusted. In this way heresy would soon be vanquished with the assistance of these learned men. Furthermore, it is suggested that, on account of the favor shown to heretics by *quidam potentes*, the processes against them had better take place *extra loca*. As the prior of Augustinians in Vulci, who received a large share of the tithes, was involved in this proposition the Pope commissioned the Augustinian Cardinal RAYMUNDUS DE CANILHACO with the whole affair, whereby he was permitted to proceed:

Summarie et de plano et sine strepitu et figura iudicii ac etiam sine libello vel quocumque processu iudiciali.

We learn in No. 32, of December 16, 1366, of three convicted heretics, in an order to the Chamber to pay to the Inquisitor of Carcassonne, GUILEMUS MILITIS, forty gold florins. This sum is the reimbursement for traveling expenses *eundo Carcassonam et deinde Avinionem redeundo*, and daily allowances for a five weeks' sojourn at the Curia in the matter of the process of the three unnamed heretics. A second mandate, of January 6, 1376, (No. 33), assigns to the notary JACOBUS CORE DE AVINIONE forty-five gold florins *pro II^{c} foliis processus*, against the heretic PETRUS GARILHI, burned at the stake in Avignon, and several of his likewise condemned associates. The amount covered the work of 123 days:

Quibus idem magister Jacobus etiam inquisitiones factas contra predictos hereticos in Romana Curia vacavit, et pro abreviatione dicti processus et ordina-

tione II sententiarum latarum ac aliis laboribus per eum factis.

These two processes from the years 1366 and 1376 have probably not before this been made public.

From a brief notice (No. 35) finally, about the year 1550, it is learned that the *bona haereticorum* in Rome were divided in three parts, *quarum due dentur filiis, tertia vero applicetur camere.*

* * *

Important corrections of LEA's views about INNOCENT III. in general, and of his conduct in the wars of the Albigenses in particular, are supplied in two small, poorly printed, volumes by LUCHAIRE[1]), published in 1904 and 1906. The greater number of the serious charges by LEA, especially the one of fanatical zealotry, are there refuted, so that the picture of the Pope's personality becomes a more correct, and with that a more pleasing one. The reproach of vacillation and indecision in dealing with COUNT RAIMUND of Toulouse has not been substantiated by the author. A careful analysis of the communications exchanged in the transactions referred to, combined with a broad view of the entire situation, lets the Pope simply appear as a ruler who demanded exactest information. Upon being furnished with the same he made individual decision in each case, a proceeding the justice of which must be admitted. This proceeding, however, resulted in changes of views, and consequently in the mode of procedure, which must be attributed to

[1]) I. INNOCENT III., *Rome et l'Italie* (p. 267); II. INNOCENT *III., La papauté et l'Empire.* (Paris, HACHETTE.)

a perhaps purposely unprecise and faulty supply of information, but not to any weakness in the character of the Pope.

These two volumes may be warmly recommended as a generally excellent and instructive account of scientifical value.

Almost simultaneously there appeared, toward the end of 1906, the books: VACANDARD, *Etude historique et critique sur le pouvoir coerticif de l'Eglise*[1]), and, *Douais, L'Inquisition, ses origines, sa procedure*[2]). In examining the opinions of reviewers about these works, it develops that VACANDARD's is the more appreciated[3]). I would also mention the paper by PAULUS, *Zur Beurteilung der Inquisition*, in the literary supplement to *Kölnische Volkszeitung*, No. 14, April 4, 1907. There is mention made in this article of a few other works on the Inquisition that have appeared within the last twenty years. I would mention, by the way, that I cannot accept as correct the opinion of PAULUS: *The recent declaration of* MONSIGNOR DOUAIS *(L'Inquisition, p. 83) that* GREGORY *instituted the Inquisition to prevent the Emperor from interfering in matters of faith, is not tenable.*

Recently HEINRICH FINKE has brought nearer to solution the question of the Templars to which LEA devotes so much attention in the fifth chapter[4])

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[1]) Paris, BLOUD, 1907.

[2]) Paris, PLON-NOURRIS, 1906.

[3]) Compare, however, the paper, *Intorno all'origine storica dell'inquisizione*, in the *Civiltà Cattolica*, No. 1359, pp. 315-324.

[4]) Pp. 258-333.

of his third volume. In FINKE's two volumes[1]), the first devoted to the argument, and the second to newly adduced pertinent documents, the history of the suppression by CLEMENT V. of this highly meritorious military Order is depicted, and it is shown that notwithstanding the vast literature on the subject there had been wanting a work that gives plain answers to many of the most momentous and much mooted questions. I do not hesitate to declare that FINKE, by reason of his highly significant discoveries and the comprehensive application of the same, by reason of his clear insight into the general conditions of those times, by reason of his correct appreciation of the Inquisitorial process as employed in the Templar affair, by reason of his extensive knowledge of the principles and practices of the Curia, by reason of his clear perception of pertinent theological problems, and, last but not least, by reason of the correct interpretation,—in their purport and spirit,—of long known but wrongly understood documents, has spoken the last, decisive, word in all questions of prime importance. With ready acknowledgment of the labors of his predecessors in this realm, to which belongs LEA's correct and positive assertion of the exclusive employment of the process of the Inquisition[2]), FINKE examines thoroughly all opin-

[1]) *Papsttum und Untergang des Templerordens.* Vols. IV. and V. of *Vorreformations-Geschichte Forschungen.* (Münster, ASCHENDORFF, 1907).

[2]) Vol. I., p. 149, *Without presuming the Inquisition as the basis of the Templar trials, the entire process is unintelligible; hence the appreciation of the events remained so long indistinct and wavering, as insufficient knowledge was had of the procedure of the Inquisition, and was not ap-*

ions, without however entering upon long and polemical discussions. The gratifying repose of the argument, supported step by step with most remarkable and forceful quotations, has a convincing effect, and the masterly arrangement of the matter draws the reader completely under the spell of the highly dramatic development. Matter which has long been positively determined is only touched upon in passing, to save the connection of events, and consequently the student is never unnecessarily delayed by a long recital of well established facts.

All things considered, the work must be pronounced to be a scholarly production of the first order, one calculated to attract greatest attention.

In his argument the author relies on previously published researches, on original material which fell into the author's hands in Barcelona, while collecting the *Acta Aragonensia,* and upon gleanings in the archives of Paris and Rome. *In the treatment of the chief problem,* so FINKE remarks in his preface, *an accurate formulating of questions was absolutely necessary in order to arrive at a result that was convincing. Were the denial of Christ, spitting upon the Cross, immoral kisses, solicitation to Sodomy, and worship of an idol, cus-*

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plied to the Templar process. Only the research instituted for the last quarter of a century in regard to the Inquisition has laid the foundation for a better knowledge and LEA *in his work has first and energetically applied it to the Templar process. This merit, however, severely I must condemn in this connection some particulars in* LEA, *must not be denied to the American scholar. . . . One overlooks largely the development and imagines that whatever was customary in the fifteenth century prevailed also in the thirteenth.* To this latter utterance FINKE adds the note: *This reproach must also be made to* LEA'S *statements.*

tomary at the admission into the Order and at its chapters? Only in this sense can I perceive a problem. Not the transgression of an individual Templar, not the shortcomings of the Order in other directions, come here in question as the Templars' guilt. This chief problem I must solve, after the opinion of other inquirers, that the gravely inculpating self-confessions of Templars are not of the least weight for the solution of this question of guilt. Aside from this chief problem, there are,* as the author emphasizes, *still some unexplained side issues; above all: What induced* PHILIP LE BEL *to warfare against the Order? The traitor* ESQUIU DE FLOYRAN *we now know. His denunciation of course has its great significance, ... but the principal motive for the extermination was probably afforded by the precarious economical condition of France. And here I must acknowledge the chief weakness of my book. I have not been able to give a true picture of the social condition of France and of its royalty. For such a picture the foundations are still lacking, despite* BOUTARIC; *to make progress here is the task of the French historians.*

The first part concerns itself with the history of the Order of Templars in the 13th century (pp. 3·

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*) WENCK points out *(Göttingische Gelehrte Anzeigen,* 158, p. 535) LEA'S services in throwing light upon the guilt. He says: *The adopted methodic principles have for the greater part already been practiced by* H. C. LEA. *The documentary evidence serves him only in presenting the history of the process, not to confirm accusations against the order, or for zealously disputing them. With thorough penetration and broad view he points in impartial tone to the improbability of the grave abuses and heresies attributed to the Order.*

85), and it depicts, after some introductory remarks, the work of the three last Grand Masters, the exterior history of the Order, the remarkable segregation of Aragonese (and Spanish) Templars, the relation of the knights to the Papacy within their last hundred years, PHILIP LE BEL'S relations with the Templars until 1305, the interior and exterior development of the Order, as well as its reputation in the last period.

A depiction of the characters of the French King and the first Avignon Pope fills the second chapter (pp. 86-110); King, Pope and Templars up to the imprisonment of the French members of the Order on October 13, 1307, are the subject of the third chapter (pp. 111-143). Here is related the history of the great treason by ESQUIU DE FLOYRAN, and one of the most celebrated of controversies in the history of the Templars is thus set at rest (p. 113). Notwithstanding his thorough and penetrating research the author has not succeeded, on account of insufficiency of the material, in laying bare the entire connection of the great treason, particularly in its inception. We must, however, be grateful for what is given, because it makes clear the chief points. A critical discussion of the trials in the year 1307 is found in the fourth chapter (pp. 144-171), and brings up the question of the French *General* Inquisitor. The matter rests, as it seems to me, upon the use of the name without a *fundamentum in re;* for JOANNES GAETANUS URSINUS, the *inquisitor generalis cardinalis,* of the 13th century[1]) had been

[1]) Compare BAUMGARTEN'S *Aus Kanzlei und Kammer.* (Freiburg, HERDER, 1907). (Pp. 185-188.

given no successor, not even for other countries, Since the *prior provincialis provinciae Franciae* had received the privilege to appoint all French Inquisitors, the Inquisitor residing with him in Paris was to a degree the most notable. If it so happened that he was also the King's confessor, the term of *Inquisitor generalis* may easily have come into use; a title and office of this kind, however, has never been created, neither by Papal nor by royal grant. An occasional commission *per regnum Franciae generaliter,* in certain restricted matters, under simultaneous suspension of the powers of other Inquisitors in the same matters, does certainly not establish the official title of General Inquisitor. Concerning the use of the rack by the Inquisition[1]) FINKE correctly remarks (p. 162):

Only twenty years ago JUNGMANN *was of the opinion, that in the first investigation of Grand Inquisitor* WILHELM *no use whatever* (*sic*) *was made of the rack. There is no mention of its employment found in the records, although as the rack was a legal means it had to be recorded if admissions were obtained by its use. This is energetically denied by* LEA *and others who declare that there was no need of mentioning the use of the rack in the records of the Inquisition. In this sweeping form* LEA'S *opinion is certainly incorrect: there is no ordinance of the Inquisition to that effect.*

Notwithstanding the scanty material, and the long interruptions in the correspondence between

[1]) Compare WENCK, *Göttingische Gelehrte Anzeigen,* 158, 1896, p. 533.

CLEMENT and PHILIP after the 13th of October, 1307, the author was able, in his fifth chapter (pp. 172-230) to elucidate in an appreciable manner the relation of the two after the imprisonment of the Templars until the conclusion of the proceedings at Poitiers, thus promoting research to a considerable degree. Especially in this matter new discoveries, particularly of confidential letters, would be of essential value. FINKE's investigation has done away with a gross misinterpretation in regard to the date of the numerous documents of August 12[1]). In a very extensive group (of these Bulls) the trial of the dignitaries at Chinon is minutely described, although it only began on August 17, five days later, therefore, than the date of the Bulls. Previous inquirers, even HEFELE-KNÖPFLER, have all sharply censured this seeming deceit of CLEMENT V. LEA especially speaks of the *lying Pope,* of *the revolting equivocation.* More cautious inquirers could find no answer to the question: Why should CLEMENT have spoken an untruth here? and they sought, as did PRUTZ and FINKE, all kinds of unsuccessful interpretations. Apart from other considerations, a charge of stupid prevarication and of a most awkward fraud means a misestimation of the papal Chancery and Curia which both assuredly least deserve.

The sixth chapter (pp. 231-281) relates the things

[1]) It is here referred to 483 Bulls, ordered to be issued under this date, the execution of which, however, was delayed many months, so that events that took place after the date, could conveniently be mentioned in these Bulls. This is, therefore, simply an instance of a somewhat far-going conventionalism in office routine.

that happened to the Templars at the episcopal Inquisition, and at the hands of the papal commission in France. The former concerned itself with individual Templars, the latter with the entire Order. The working up of these two fundamentally different commissions belongs to the most important investigations of the book[1]). With the aid of a *sumptuous compilation* of the Aragonese KING JAMES II, FINKE was able to write his seventh chapter (pp. 282-325) about the Aragonese Templars, to which are added some observations about trials in other countries. In discussing the question of guilt, in the eighth chapter (pp. 326-344), the author emphasizes LEA's merit in proving the guiltlessness of the Templars, but adds the remark:

Even LEA *and* GMELIN *practise a certain eclecticism; their long handling of the process records have had an influence upon them: they would gladly deny everything but cannot get themselves to do so; they would not altogether deny lascivious kisses, Sodomy, even certain frivolous mockeries of the Saints. This is inconsistent and deviates in its effect very little from the views which* PRUTZ *represents and which both valiantly combat.*[2])

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[1]) FINKE (p. 246) warns against the extensive GMELIN Tables: GMELIN *has, after* LEA's *example (pp. 375-386), given a summary about the alleged varying demeanor of the Bishops of Clermont, Saintes, Limoges, Tours, Paris, Orleans, Rheims, Noyon, Soissons, Amiens, Nevers, Rhodez, Toulouse and Carcassonne, at the episcopal Inquisition, which contains some good statistical information, but otherwise abounds in errors of all kinds. The schedule is absolutely useless.*

[2]) Pp. 326-327.

In this connection may be quoted a well warranted admonition which FINKE gives in his preface (p. x.):

He who would still defend the truth of the charges must also have the courage to announce his belief in the appearance of the devil in the form of a cat at the Templar's banquets; for his appearance, and at times also his carnal intercourse with them in the disguise of a beautiful woman, was, as we now know[1]*), sworn to by numerous Templars, the same as the other charges.*

The brilliant defense of the Templar's freedom from guilt, in the eighth chapter, is followed in the ninth (pp. 345-369) by a description of the events at the Vienna General Council, and in the tenth (pp. 370-386), by the inquiry into the Pope's attitude on the question of the Templar's possessions, and a concluding chapter. The documents in the appendix bear the following superscription: 1. The Master of the Templars, and the Crusade at the Council of Lyons, 1274; 2. The draft of the Bull *Letamur in te*, of June 1, 1307; 3. Excerpts made from the trials of Templars in Cyprus for the Vienna Council (1311)[2]); 4. The Templars and Confession[3]).

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[1]) Vol. II., p. 342.

[2]) FINKE remarks to this reprint (p. 395): *He who contemplates objectively the nature and aim of these excerpts cannot possibly agree with the crushing criticisms of* SCHOTTMÜLLER GMELIN and LEA. *Errors occur, it is true, but an intention to forge is nowhere discoverable. Such an attempt would at that have been unsuccessful, as the examiners had before them also the process records. By the way, who made use of these excerpts? In their rough draft they could only serve their author. Transcripts from them have so far not become known.*

[3]) Compare pp. 23 and 24.

The contents of the second volume is arranged in three parts: 1. Letters, Discourses and Opinions on the History of the Fall of the Order of the Templars (pp. 61-229), some of which are only loosely connected with the subject, but nevertheless of interest; 2. Accounts of the Aragonese ambassador of the general Council at Vienna, and the King's replies, 1311 and 1312 (pp. 230-306); 3. Processes of Templars (pp. 307-379). The utilization of this vast material was made in the first volume. In addition to the Templar items, there is a great deal of other important information, as, for instance, concerning the affairs of the papal Chancery and its mode of procedure. As far as the Consistories are concerned, an exact dating by the aid of other records would frequently have been desirable.

V.—FRENCH AND GERMAN EDITIONS OF LEA'S HISTORY OF THE INQUISITION.

SOLOMON REINACH published in 1900 a French edition of LEA's work, in a wretched shape. Extreme cheapness was sought, and attained, to assure a wide circulation of the volumes. With the work now available in both the English and the French languages it would appear that the needs of the world of letters had been sufficiently cared for as far as LEA's researches are concerned. About fifteen years ago[1]) FINKE, in a short review of LEA's books, had warned against their translation into the German. Among other things FINKE pointed out: 1. The entire work was premature[2]); 2. LEA's perception was largely perverted owing to his insufficient knowledge of the medieval systems of Church and State and of their interworking; LEA being frequently totally lacking in appreciation; 3. There were serious faults in the composition (to these items should be added the often unendurable volubility), and FINKE doubted whether a publisher could be found for a German version of the work in its present shape.

In this FINKE was thoroughly mistaken. A German version has not only been undertaken, but, by reason of what assurances of its saleability I am not aware, even found a publisher.

The archivist of the municipal archives at Cologne, Professor Dr. HANSEN, arranged with LEA

[1]) *Historisches Jahrbuch*, XIV. (1893), p. 332.

[2]) See p. 43.

for a German edition, and its first volume appeared under the title: *Geschichte der Inquisition im Mittelalter, von* HENRY CHARLES LEA. *Autorisierte Uebersetzung bearbeitet von* HEINZ WIECK *und* MAX RACHEL. *Revidiert und herausgegeben von* JOSEPH HANSEN. (Bonn, Georgi, 1905). Joined to the original contents we find in this edition a preface by HANSEN, and a dissertation by PAUL FREDERICQ, entitled: *Die Inquisition und die Geschichtsforschung.* I forego speaking of this rather shallow treatise, the bibliographical parts of which show large gaps, in order to draw attention to a passage in HANSEN'S preface, which here follows:

Shortly after its appearance (of the English work) *there were, in opposition to the unanimous acclamation by those proficient in these matters, objections, general and particular, raised by a certain school of German historical research, thus demonstrating how little it was capable of appreciating labors that astonished the scholars of Europe. These objections, for which in 1890 the Historische Jahrbuch of the Görres Society (XI., 302-323) gave space to a representative of this school, namely to the editor of the Laacher Stimmen,* J. BLÖTZER, S. J., *are of that typical kind which excludes discussion within scientific limits.*

Then HANSEN proceeds to explain to the world why the Historical Department of the Görres Society undertook the publication of Cameral records and not of Inquisition records. He avers that in those circles an inquiry into the operations of the Roman Church in such a critical sphere as the Inquisition is, was by preference

avoided. If HANSEN, in this and similar assertions, thinks he is playing a trump card, he is not only greatly mistaken, but overestimates in a portentous manner his own judgment of the necessity of this or that historical research. No historical inquirer of positive Catholic views has the least fear of approaching such problems, as a glance at pertinent publications of recent years proves. HANSEN'S aspersions are, therefore, unwarranted; he evidently is not aware of their latitude.

Why BLÖTZER'S criticism of LEA'S work *precludes a discussion within scientific limits* HANSEN has not explained. He depreciates this criticism because he is at a loss to oppose a better argument to BLÖTZER'S thorough and positive statements. This convenient manner of shoving aside troublesome opponents is fortunately not prevalent in scientific circles. It proves, however, that HANSEN so greatly praises this notoriously partial work of LEA SOLELY for the sake of its anti-Catholic tendencies, and that he, on these same grounds, tries to justify his translation of the same.

In the preface HANSEN also informs us that LEA'S text has first of all been corrected by the author and subsequently by HANSEN. A number of small errors have been corrected and newer editions of authorities have been substituted for those of the original.

What I said of the German edition in *Allgemeine Literaturblatt* (XV., No. 112, columns 395-396) may here be repeated: When a German professor, director of a great archive, causes to be translated into the German an English work which appeared

nearly nineteen years previously, and of which there has been obtainable for some years also a French translation, this undertaking can only be justified if by means of a thorough revision of the book at least its most glaring mistakes have been eliminated. This HANSEN has not done. In blind faith he accepted as gospel truth the many dozens of false dates[1]), citations, etc., without even making an effort to verify them. He made no attempt to set right LEA's grave offences, but even becomes sponsor for LEA's method and findings by his unlimited eulogies of the author, and by advertising his *Revision* on the title page. We have seen how a sound criticism of authorities has been attempted by LEA only in rare instances, and then only in a half hearted way. Nor has he any respect for the criticism of others. The German editor, therefore, would have found abundant work here, particularly in one of the most important parts of the book, the Albigensian Crusades, should he have given fullest consideration to the genial criticism of sources by DE SMEDT: Not only was this omitted, but HANSEN had not even heard of this work, although even LEA should have been acquainted with it in 1887. Flagrant contradictions found in the volume entirely escaped HANSEN's attention; his *Revision* leaves them severely alone. HANSEN could, of course, not correct LEA's theological blunders, as he has no schooling in these matters. For this reason I cannot well reproach him on this score. But in enum-

[1]) HANSEN should at least have verified and corrected the false dates of documents No. II., XVIII. and XX. at the end of that volume.

erating the things which an editor, who writes such a pretentious preface, should have done and did not, I could proceed for quite a while longer if sufficient space were here at my disposal.

My purpose here can only be to inquire whether the German edition was warranted, and to examine its editor's work. In HANSEN'S preface (p. XI.) I come across a sentence which, on account of its significance, I will quote here:

In the first volume before us, dealing with the inception and organization of the Inquisition, emendations were hardly required and would not have been without risk because they might have disturbed the flow of the author's thoughts and interfered with the character of his argument which, of course, was to be strictly preserved.

I had to read this sentence several times over to convince myself that HANSEN could actually allow anything like this to be printed. His words really mean: *Regardless of the fact that the author's conclusions are often wrong, and indifferent to the fact that the character of his statements is not always above reproach, neither was to be disturbed.* Such principles, of course, open the door for an indiscriminate admission of all the improper matter referred to. They are, moreover, a convenient excuse for the neglect of a laborious scrutiny and the difficulty of rewriting faulty matter. HANSEN'S carelessness in editing this German edition merits severest condemnation.

Those acquainted with HANSEN'S scientific labors, those aware of his views of Christianity and the Church, cannot be surprised that HANSEN under-

took a German edition of this work. But that he characterizes an undeniable duty of every truth-seeking historian as not without risk, is a procedure that should come in for well deserved censure. With regard to this plain duty the author's *flow of ideas and the character of his argument* simply have no claim to consideration. And if such encroachments upon the work had been prohibited by the author[1]) HANSEN should have promptly dropped any attempt at translation. I think this would have been the only possible, logical action, unless he had chosen to point out in his preface, and proved by instances, LEA's unsupportable claims and statements.

When perusing the German edition it did not remotely occur to me to think that the translation, on which three men had worked, and for which HANSEN had assumed full responsibility, was not scientifically unassailable. To my great surprise I learned subsequently how NIKOLAUS PAULUS, not so trustful as I, had made comparisons which justified the suspicion of a poor translation. PAULUS writes, in the literary supplement of the *Kölnische Volkszeitung* (No. 2 of January 10, 1907), as follows:

LUCHAIRE.....*emphasizes the fact that* INNOCENT III., *in his letters never demanded the death penalty for heretics. But now we find in the*

[1]) SALOMON REINACH tells us on p. 32 of the first volume of the French translation: *Quand j'ai écrit à l'auteur pour solliciter son consentement à une adaptation, il m'a répondu: Traduisez comme vous l'entendrez, mais, je vous prie, ne vous départissez pas du ton impartial que je me suis imposé. Les faits doivent parler d'eux-memes.*

German translation of LEA'S *book (I., 150) that, in the year 1198, the Pope despatched two legates to Southern France with letters, wherein he demanded that all heretics, who would not return to the true faith, should be burned (verbrannt). In* LEA'S *original (I., 138), however, there is no mention of "burning" but of "banishing." It may be claimed that this is merely a printer's error and unfortunately overlooked in the revision. But there are other errors in the translation which cannot be so explained away. In one of his letters* INNOCENT III. *admonishes the Crusaders, making use of a biblical passage, that they should fight the followers of the old serpent (Epp. XI., 230): "Pugnate cum serpentis antiqui ministris." LEA (I., 152) translates the word "pugnate" with "strike down." This already improved term still does not satisfy the translator, who makes the Pope write: "Strike dead" (Schlaget tot) the followers of the old serpent! (p. 169). Vastly more serious it is when in another part of the German translation (p. 202) the English word "including" is simply changed into the opposite and translated with "apart from" (abgesehen von). This falsification occurs in the account of the transfer of the domain Melgueil over to the Bishop of Maguelonne. The Pope, it is said there, sold the domain to the Bishop, who paid for it the enormous sum of thirty-three thousand marks, "apart from" gratifications to the staff of the papal Chamber. This sum, it is also averred, was only a very small part of the "colossal robbery." LEA, however, says in the original (I. 180) expressly that the Bishop paid thirty-three thousand marks "including gratifi-*

cations to the creatures of the papal Camera." Nor is, for that matter, even LEA'S *version correct. While in the authority quoted by him* (VAISSETTE, *Histoire générale du Languedoc. Paris, 1737) the Bishop's expenditure is stated at thirty-three thousand "sterling neufs de semi livre," further information is found in an old work to which* VAISSETTE *refers*: GARIEL, *Series praesulum Magalonenisum. (Tolosae 1665) and here we are informed, on the evidence of documents from the archives, that the Pope received 1220 marks. (The Bishop had previously offered only 500 marks. Compare the letter of the Pope to the Bishop, of September 11, 1212. Epp. XV., 172). Even the gratifications to the officials of the papal Chamber were precisely enumerated, as also the traveling expenses of the agents whom the Bishop sent to Rome, and the interest on a financial loan. All this aggregated the sum of 6600 livres. In the same place it is mentioned that 320 livres are equal to 100 marks. To this are added various amounts paid by the Bishop in the domain of Melgueil for abrogation of privileges and the like. If, therefore,* GARIEL *and* VAISSETTE *mention an expenditure of 33,000 sterlings "neufs de demi livre" only the total disbursement can be meant.*

I have only compared a few passages that have reference to INNOCENT III. *and which appeared suspicious to me. If in the other parts there are similar errors in translating, then* LEA'S *work, already in the original so frequently unreliable, has become more so in its German translation.*

After reading this considerately expressed, and yet of its character so damnatory finding, I de-

termined to make some tests from all parts of HANSEN'S volume, in order to obtain for myself an independent opinion of the merit of the translation. The result of my investigation compels me to declare that this is one of the most unreliable translations ever made of a scientific work.

VI.—THE SPANISH INQUISITION.

LEA's researches concerning the Spanish Inquisition form a separate group of volumes. He began to study this subject after finishing his History of the Inquisition of the Middle Ages, having discovered that the Spanish institutions would not well permit of being included in a general history of the Inquisition. As an introduction to this comprehensive history, LEA wrote *Chapters from the Religious History of Spain connected with the Inquisition*, a work which I need not further consider here. Then appeared from his pen *The Moriscos of Spain: Their Conversion and Expulsion*[1]), which forms an elaborate chapter in the History of the Spanish Inquisition. LEA justifies in the preface a separate edition of the same with the words:

For it not only embodies a tragedy commanding the deepest sympathy, but it epitomizes nearly all the errors and tendencies which combined to cast down Spain, in little more than a century, from its splendor under CHARLES V. *to its humiliation under* CARLOS II.

Here LEA suggests, and in the concluding chapter of the fourth volume he retails it at length as a fact which he regards as the principal achievement of his studies, his discovery that Spain's struggle for the purity of faith and race was, exclusively, responsible for the economical and simultaneous political ruin of the country.

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[1]) London, BERNARD QUARITCH, 1901, XII., 463 pages.

If matters had been allowed to proceed in the religious sphere as they had shaped themselves since the fourteenth century, a kind of Islamism, by an indirect route through some sort of syncretism, would have been the inevitable result. ALFONSO VI of Castile (1072-1109), *the Shield and the Light of Spain,* had already assumed the title of *imperador de los dos cultos,* and the amalgamation of Moors and Spaniards was steadily progressing, socially and otherwise, despite their numberless conflicts and wars. If not wishing to look on indolently while a systematic undermining of Christian life and faith took place, the Church had, for the protection of the faith, to resort to means which corresponded to the conditions of the period and to the general ideas of the times. The victorious struggle that had been carried on against the Albigenses suggested the method. The long-continued wars of conquests carried on by Spanish rulers, rarely suggested by really religious motives, now received a special consecration by the fact that the Church bestowed upon them the spiritual and material benefits of the Crusades. Even Templars and Hospitalers received permission to fight against the infidels in Spain.

This quite natural reaction of the Church, as against the great dangers of the *cohabitatio* of believers and unbelievers, dangers equally realized by the learned scholar and by the common man of that period, LEA calls in his book (page 4) *intolerance.* Where great numbers of subjected Moslems were assembled, the Church insisted upon rigorous separation of the races, and the Lateran Council under

INNOCENT III. ordered that Jews and Saracens must wear a certain distinctive garment or mark. This ecclesiastical ordinance, regarded as a matter of course by all contemporaries, and followed by various others, gives LEA occasion to say:

The Church was succeeding in gradually awakening the spirit of intolerance, but its progress was slow (p. 9).

The Jews and the Mudéjares, as the subjected Moslems were called, are designated already in the introductory chapter as in education and affairs so advanced, and so much superior to the Spanish population, that any reasoning person must conclude the greater majority of the real Spaniards had been consummate imbeciles. These assertions are in evidence throughout the whole volume, which indeed reads like a protracted apology, if not apotheosis, of Jews and Mudéjares, while of the great perils which these foreign bodies obviously meant to a Christian realm, there is, significantly enough, never any mention. All the wrong and injustice is on the side of the Spaniards, of the Church, of the Inquisition, of the Kings; and all virtue and justice on the side of Jews and Saracens. The expert in Spanish Church history will therefore not be unduly surprised to find grave methodical faults in the book. The mistake of the Spaniards, so incomprehensible to us, to compel conversions by force, to offer the alternative of baptism or deportation, furthermore the neglect of instructing these newly *won* Christians, the wavering policies of spiritual and temporal authorities, and other lamentable happenings, can under no

circumstances serve as a threadbare excuse for such partiality[1]).

A validly baptized Christian remains a Christian for life, a principle which according to LEA:

was duly carried through the canons and served as a justification for vitiating in practice the essential genius of Christianity and as an excuse for unnumbered horrors.

In this strain he continues throughout the entire book, from which circumstance we may infer with what understanding the author meets all questions bearing upon theological matters.

The great banishment of the Moors from Spain, in the year 1609, is the end of the drama described by LEA in the following eleven chapters:

1. The Mudéjares, 2. Ximenes, 3. The Hermania[2]), *4. Conversion by Edict, 5. The Inquisition, 6. Conversion by Persuasion, 7. Condition of the Moriscos, 8. The Rebellion of Granada, 9. Dangers from Abroad, 10. Expulsion, 11. Results.*

To this is joined, on pages 403-444, an appendix of fourteen documents, followed by an index. The

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[1]) In this connection LEA significantly expresses himself in the conclusion (p. 394) as follows: *Whether this was so in reality is a plain question of fact about which there ought not to be a dispute among those who have studied the abundant sources of information and can exercise their powers of observation on the existing situation, but the answer to the question involves such deep-rooted convictions in religion and politics that the diversity of opinion expressed affords an instructive illustration* OF THE SUBJECTIVITY FROM WHICH SO FEW HISTORIANS CAN EMANCIPATE THEMSELVES. The words in capitals would most particularly be true of LEA.

[2]) The insurrection of the Hermania, or Brotherhood, *was a rising of the commons against the cruelty and oppression of the nobles.*

assembling of this material, partly consisting of heretofore unprinted chronicles, deserves acknowledgment, so far as the technical part is concerned. As to the interpretation, however, and the arbitrary filling of gaps in the tradition, my admonitions to use caution should be remembered.

In January, 1906, appeared the first volume; in September of that year the second; in January, 1907, the third; and in October, 1907, the fourth volume of this History of the Inquisition of Spain[1]). In manuscript it had been completed in October, 1905. Referring to the vast number of documents on the Inquisition in the prodigious Spanish archives, the author remarks in his preface:

There can be no finality in a history resting on so vast a mass of inedited documents and I do not flatter myself that I have accomplished such a result, but I am not without hope that what I have drawn from them and from the labors of previous scholars has enabled me to present a fairly accurate survey of one of the most remarkable organizations recorded in human annals.

Notwithstanding the great number of works that have been written about the Spanish Inquisition, systematical, foundation-laying monographs[2]) have

[1]) New York, the MACMILLAN COMPANY; London, MACMILLAN & Co.

[2]) For the best monograph of an important episode we are indebted to German industry which produced: *Beiträge zur Geschichte des Spanischen Protestantismus und der Inquisition im sechzehnten Jahrhundert,* compiled from the original documents at Madrid and Simancas, by Dr. ERNST SCHÄFER, 3 vols. (Gütersloh, BERTELSMANN, 1902). Upon HOENSBROCH's *Forschungen* on the Spanish Inquisition, SCHÄFER comments in the Leipzig periodical, *Alter*

hardly ever been undertaken. The superabundance of documents will not permit of mastering the entire material until the activity of the Inquisition territorially has been clearly established, under proper distinction of the individual tribunals and their territory. The qualification expressed in LEA's words is therefore quite proper, as they draw the reader's attention timely to the futility of an attempt to write a *conclusive* history of this institution. Hence it should have suggested itself

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Glaube (No. 10) (compare *Kölnische Volkszeitung* No. 1095, December 16, 1907), as follows: *Claiming our attention in the first place, we have here the celebrated work of the secretary to the Spanish Inquisition and Freemason,* DON JUAN ANTONIO LLORENTE, *the "Histoire critique de l'Inquisition d'Espagne," first published at Paris in 1817, which made so much more of a sensation as any history of the Inquisition theretofore had been dependent upon second hand sources, while* LLORENTE *boasted, in his former official capacity as secretary to the Inquisition, and later as commissioner of* KING JOSEPH BONAPARTE, *to have copied and compiled from numberless original records of the Inquisition, thus laying claim to unconditional reliability. This was actually conceded to him in an extraordinary degree, all the more readily, as in this former official of the Inquisition was soon recognized a severe opponent of the Institution. His book had extraordinary success, and it has been translated into various other languages. For a long while it played in science the part of a unique authority on the history of the Inquisition, and as such was used by every one. Already* LEOPOLD RANKE, *however, in the first edition of his "Fürsten und Völker von Südeuropa," pointed out that* LLORENTE'S *statements were in certain respects colored, and since then, especially through the exertions of Catholic writers, who singled out this dubious Catholic with Masonic proclivities as a renegade possessed of particular bitterness, he has in many respects been exposed as unreliable. As a matter of fact,* LLORENTE'S *work is so greatly tainted by bias that his statements must be subjected to the most rigid examination. His most objectionable part is probably the one in which he seeks to compute, ostensibly on the authority of his numberless excerpts, in reality, however, by frivolous guess-*

to LEA, instead of using the pretentious title, *A History of the Inquisition of Spain,* to name his work *Contributions* to the History, or similarly*).

The entire work is divided into nine books: 1, Origin and Establishment; 2, Relations with the State; (vol. I); 3, Jurisdiction; 4, Organization; 5, Resources; 6, Practice I.; (vol. II.); 6, Practice II.; 7, Punishment; 8, Spheres of Action I.; (vol. III.); 8. Spheres of Action II.; and, 9. Conclusion; (vol. IV.). LEA claims that:

... a somewhat minute analysis has seemed to be indispensable of its structure and methods of procedure, of its relations with the other bodies of the State and of its dealings with the various classes

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work, the number of Inquisitorial victims, and arrives at quite awful figures. So is also his boast of original information in many points absolutely unjustified; unfortunately it has led to most serious blunders by later writers. If in recent times he nevertheless has once more been eulogized without substantiation as an authority of the first order and thoroughly trustworthy, by COUNT HOENSBROECH, *in his book, "Das Papsttum in seiner Kulturellen Wirksamkeit," this fact is much to be deplored in the interest of science, and* HOENSBROECH *only proves by this opinion that, as far as the history of the Spanish Inquisition is concerned, he has no idea of the true state of the matter, however pretentiously he may proclaim his knowledge. . . . The historian must under no circumstances do violence to the facts, such as* HOENSBROECH *has done in his book, at least as far as the Spanish Inquisition is concerned. We do not mean to assert that all his statements are false, for they are not, only the way in which he misuses and mixes proven and unproven facts should here be put in the proper light.*

*) In FINKE's magnificent collection, *Acta Aragonesia*, 2 volumes (Berlin, ROTHSCHILD), there is reprinted in the XVII. chapter (p. 840), a number of documents on the Inquisition.

subject to its extensive jurisdiction. This has involved the accumulation of much detail in order to present the daily operation of a tribunal of which the real importance is to be sought... in the silent influence exercised by its incessant and secret labors among the mass of the people and in the limitations which it placed on the Spanish intellect—in the resolute conservatism with which it held the nation in the medieval groove, etc. (p. V.).

But this justification of reciting endless trivialities is untenable. The same end would have been attained much better by a clear, comprehensive statement than with a tiresome abundance of details, and *specimina* would have sufficed for the reader's enlightenment. The comfortable verbosity with which the author, in a frequently superficial way, retails the unprinted material furnished by librarians is not always in due proportion to the importance of their subject. Concerning the latter part of above quotation, I have in my preceding chapters said all that is necessary. In general, LEA is of the opinion that solely through the instigations of the Church the Spaniards, from being the most tolerant people of Europe, were turned into the most intolerant (p. 35). It quite corresponds with the absolutely partial attitude of the author when he interprets laws and ordinances, accepted by the entire cultured world of those times as suitable,—even necessary, and therefore to be regarded as a plain, unmistakable expression of the mental condition of the people of the age, exclusively according to modern views and standards,

not accepted by everyone, and characterizes them as ignominy and disgrace[1]).

Concerning the position of the Inquisition in Spain, LEA sets forth that it represented there both Pope and king, combined therefore the two swords. FERDINAND permitted its establishment only on condition that to him be conceded the power to appoint and dismiss Inquisitors, and he wrote to SIXTUS IV. in plain terms that he would admit as Inquisitors only persons of his own selection.

As the institution developed and became more complex he nominated to the Pope the individual to whom the papal delegation as Inquisitor-general should be given and he appointed the members of the Suprema which became known as the Consejo de su Magestad de la Santa General Inquisicion. Although the papal commission granted to the Inquisitor-general faculties of subdelegating his powers and appointing and dismissing his subordinates, thus rendering his action indispensable, FERDINAND *was careful to assert his right to control all appointments and to assume that at least they were made with his assent and concurrence (Vol. I., p. 290).*

[1]) I regard it as peculiar that so many who write about the Inquisition and kindred subjects, consider it necessary to avow that they do not approve of the things that happened, of the laws, the misuses and the outgrowths. From what suspicion do they seek to clear themselves? That which was universally regarded in those times as befitting and appropriate is evidently not so to-day, nor need it be so; but it is a great mistake to designate as cruelty, etc., that which formerly passed for an adequate expression of justice. If by omission of such deprecating reservations respecting these occurrences I should possibly be suspected to be an *overzealous apologist,* I shall endeavor to bear this great misfortune with becoming dignity.

This attitude of the king, assumed at the establishment, continued essentially unaltered. Even the subsequent protracted disputes between the Curia and Spain about the appointment of the General Inquisitor did not materially change it.[1])

If the biographical and other statements about the General Inquisitors, which LEA has gathered in a creditable way (vol. I., p. 300) are not more correct and reliable than those concerning the German Jesuit NIDHART (pp. 310-313 and 500), they merit but very moderate confidence.

An astonishing instance of ignorance in simple liturgical matters is furnished by LEA in vol. I., p. 361. The Inquisitors demanded, in 1635, that, at the reading of the Edict of Faith, the officiating priest should, before beginning Mass, make to them the same *reverentia* as due to a Bishop. Of this LEA tells us:

It was the custom that the celebrant should make a bow to the bishop, if present, and in his absence, to the Eucharist.

The king was against this, and he ordered that *in the absence of the Bishop the reverence must be made to the Sacrament, and not to them.* Any beginner in theology could have enlightened LEA in this matter from the *Caeremoniale.*[2])

From LEA's statement, even if perused *cum bene-*

[1]) It depended, of course, upon the individual rulers how far they would, or could, interest themselves in the affairs of the Inquisition. This varied greatly. But to my knowledge no fundamentally important changes ever took place in the constitution of the Inquisition.

[2]) It is astonishing even for a man of LEA's calibre, that he speaks, in his fourth volume, of an *adoration* of the Saints without any qualifications whatsoever.

ficio inventarii, it is plainly evident that the Spanish Inquisition had matured into a court, which, under the extensive protection of kings and high potentates, powerfully and callously pursued its aims, and attained the same by not always unobjectionable means. Frequently, therefore, even without attributing the importance to exaggerated details which LEA in ill-concealed ardor would accord to them, it is evident that the desire and thirst for power caused the individual tribunals to overstep all lawful bounds, resulting in injustice and greed. The Inquisitors could allow themselves *cavillationes* against Rome only because they knew that the State power would screen them always and in all things. For the great public many of the *familiares* of the Inquisition became a veritable plague which was hardly ever acknowledged by their superiors. Solely to preserve the unassailability of the Inquisition, even criminal *familiares* were given a protection and favor by their immediate superiors that must justly cause astonishment. The relation of the Inquisitors to the Bishops was often a very strained one, and, owing to the power of that institution, occurring conflicts resulted most frequently in the defeat of the Bishops. The elaborate description of the celebrated case of Archbishop CARRANZA of Toledo (vol. II., pp. 45-85) requires a thorough testing, particularly the insinuation on pages 84 and 85.

The fourth book offers a very valuable, but perhaps too much stretched, survey of the organization of the Inquisition. The first chapter (vol. II., pp. 161-204) treats of the General Inquisitor and

the Supreme Council (*la Suprema*), the second (pp. 205-262) of the constitution of the various Tribunals and of the salaried officials as: Inquisitors; *promotor fiscalis* or attorney general; Notaries or Secretaries; *Alguazil; Cursores* (Nuncio), Majordomos, Jailers, Physicians, Surgeons, Officials of Finance; the third (pp. 285-314) of the *Limpieza*. All officials of the Inquisition had to give proof, by pedigree, that they neither descended from Jews nor from Moslems. *Conversos* and their descendants were not admitted. Later this exclusion was extended to the descendants of all those who had ever been sentenced by the Inquisition, even if they undoubtedly had been so-called *old Christians*. The Observants were the first Order that obtained from CLEMENT VII. in 1525 the privilege that they could not be held to accept descendants from Jews or from victims of the Inquisition. Any poor fellow, though his monastic vocation was undoubted, had to prove first that his blood was pure. This remarkable and pernicious movement seized by degrees upon all circles; even the Spanish college founded by ALBORNOZ at Bologna admitted only *old Christians*. The question of the *Limpieza* became later a veritable plague to the country, affecting destructively all Civil and State conditions, even up to most recent times.

This extremely important historical fact finds its counterpart in the even more sharply practised ostracism in LEA's own country of those who have a strain of Indian or Negro blood in them. He therefore, who in his own home and in our modern,

enlightened times tolerates such incredible medievalism, forfeits the right to condemn the Spaniards on that score and to use about them language such as:

Wild as all this may seem to us, it gives us a valuable insight into the impulses which governed Spain in its dealings with the alien races within her borders[1]).

The extensive sixth book describes the actual process.

There is such an abundance of utterly superfluous casuistry stored up here that not infrequently one loses the thread of the argument. These dissertations unfortunately do not lead to a clearly outlined statement of the general procedure. If earlier instances raised the suspicion that LEA generalized, in an unpermissible manner, from casual incidents in his records, here this suspicion obviously becomes a

[1]) The race question has reached in the United States a much more uncivilized standpoint than it has ever occupied in Spain. The emancipation of the negro, brought about with so much bloodshed, and with prodigal waste of grandiloquent phrases, has been shown up as vulgar economical and political hypocrisy, the fruits of which were gathered by carpet-baggers under application of the most oppressive and shameful methods. LEA is invited to answer the question to how many of the educated colored people are tolerated as officials, in the north of the United States, by the very Yankees who were so solicitous for negro emancipation? To my knowledge, after ROOSEVELT'S futile attempt with a colored postmaster, there are hardly any. *Wild as all this may seem to us in Europe, it gives us a valuable insight into the impulses which govern the United States of America in their dealings with the alien races within their borders.* Thus LEA'S own utterance, *mutatis mutandis,* is very well applicable to American conditions (compare also my concluding words on p. 135). Comment might also be made here on the attitude of the people of the United States toward Chinese and Japanese, as also on their *elevating* influence upon the now nearly exterminated Indian.

certainty. It must be assumed that a thorough examination would produce here not unimportant displacements in LEA's statements.

The reader gains the impression of an unwillingness to understand from LEA's passage (vol. III., p. 146):

That reconciliation to the Church, which was represented as a loving mother, eager to welcome back to her bosom her erring children, should be regarded as a punishment, seems a contradiction in terms, yet so it was, and the Suprema did not hesitate to speak of those who had been condemned to reconciliation. It would not be easy to invent a more emphatic illustration of the perversion of the spirit of religion by persecuting fanaticism.

These almost incredible words, which do not point out the immense difference between the *poenitentia publica,* as a rigorous corrective, and the *poenitentia privata,* is an example of many similar passages, which LEA, to heap contempt upon the subjects treated by him, freely intersperses throughout his four volumes.

In the concluding volume LEA begins with continuing the fifth chapter of the eighth book, on Mysticism, wherein he relates many things which he could have disposed of briefly by referring to the above-mentioned work by SCHÄFER on the Protestantism in Spain.

In frequently obscuring diffuseness the *solicitatio ad turpia* is discussed in the sixth chapter; the seventh deals with hazardous teachings; the eighth with occult arts; the ninth with witchcraft; the tenth with the political significance of the In-

quisition; the eleventh with Jansenism; the twelfth with Freemasonry; and the remaining four with Philosophism, Bigamy, Blasphemy and divers *Quisquilia.*

The ninth book presents in its two chapters *Decadence and Extinction* and *Retrospect,* an impeachment, embellished with many valuable facts, which culminates into an almost unrestricted eulogy of all those who, as individuals or as classes, have ever been persecuted by the Inquisition. The thought that merely worldly prudence and consideration for material interests should have guided Inquisition and government is here repeatedly and emphatically expressed. Higher principles are not considered by LEA; indeed, wherever they appear in the proceedings, he ridicules them.

The chapter about *solicitatio ad turpia* ails of the fundamental evil that all denunciations are equally valued. Anyone even slightly acquainted with the history of this sad chapter, knows that it is often very difficult to bring about a *necessary* denunciation, and he knows also that the most reckless and untrue accusations have been made, and will be made, from immoral or morbid motives, against perfectly blameless priests. Therefore this entire paragraph may be considered as almost valueless in so far as its reflections upon cause, extent and punishment of the evil are concerned. It winds up in this fashion:

There is practically no reason for supposing that the crime was either more or less prevalent, at the close of the eighteenth century, than it had been ever since, in the thirteenth, auricular confession

was made obligatory, or than it has been since the nineteenth century opened. The strain of the confessional is too great for average human nature, and the most that the Church can do, in its most recent regulations, is to keep these lapses of the flesh from the knowledge of the faithful.

Truly a worthy conclusion to the chapter.

I must abstain from entering into further details here. Attention should be drawn, however, to the fact that LEA, on the last page of his book, sings an enthusiastic hymn of praise to the religious separation of Christian society. He points out that:

Unity of faith, which was the ideal of statesman and churchman alike in the sixteenth century, is fatal to the healthful spirit of competition through which progress, moral and material, is fostered.

This peculiar standpoint furnishes a key to many of LEA's assertions, especially to his frankly hostile attitude toward the Catholic Church and all her institutions and enterprises.

It is not a pleasant task to review a number of volumes by one and the same author, when one is not in a single instance able to acknowledge and praise, unrestrainedly, plan, contents, results or methods. That other historians have bestowed upon this latest of LEA's works almost unrestricted approval, cannot in the least influence the opinion which I base upon a most precise and conscientious examination. The difficulty of the examination is made appreciably greater in the instance of the History of the Spanish Inquisition, because its author refers in annotations to a prodigious amount of un-

printed material, without, however, literally quoting from his authorities, very few cases excepted. As experience with earlier works of LEA has taught that in his employment and interpretation of the material, far more—let us say—misconstructions, occur than is the average in scientific work, it may be assumed without unfairness that the same proportion of misconstructions is present in respect to this unprinted material. LEA's way of filling in gaps in the tradition by his own guesswork, to which I referred in my first chapter, celebrates its greatest triumph in these four volumes. That this guesswork turns out, without exception, to the prejudice of Popes, Curia, Inquisitors, clergy, etc., should make even the most ardent of LEA's admirers suspicious.

To these ardent admirers belongs, among others, JOSEPH JACOBS, already previously referred to, who, however, as is shown by the following quotation from his review, does not approve of the plainly hostile tendency of the four volumes. He clothes his adverse comment in the very mildest form, in order not to make the contrast to the eulogistic part of his review too pronounced. I quote the following passages from his extensive review[1]) to show how the work has been rated by an influential organ:

With the issue of his fourth volume, MR. HENRY C. LEA *completes what is in some respects the greatest historical work yet produced in America. These four volumes are to be taken together with the pre-*

[1]). The New York Times, Saturday Review of Books, pp. 693 and 694, November 2, 1907.

ceding three which gave the history of the Inquisition of the Middle Ages and are not distantly related to another series of volumes in which MR. LEA *has dealt with the confessional, sacerdotal celibacy, and other excesses of the Roman Catholic system of which the Inquisition may be regarded as the culminating point. This, as will be seen has occasionally affected* MR. LEA'S *judgment of his great topic. But meanwhile it is the first duty of a review of this work to congratulate the venerable author on successfully carrying out a life work by an achievement which places him at the head of all American historical students now living. It makes him the peer of* MOTLEY, PRESCOTT, *and* PARKMAN, *his only competitors in the past.*

To put the matter shortly MR. LEA *has produced a work on a subject of absorbing interest which for many a long day to come must serve as an authority to European experts on the subject...*

MR. LEA *has prevented the possibility of his work becoming obsolete from this cause by ransacking the libraries of Europe for every scrap of evidence bearing upon the multifarious acts of the Spanish Inquisition. It is a comparatively easy task to prove that* MR. LEA *possesses a fuller, more accurate knowledge of the internal workings of this mysterious institution than any of its officials can ever have obtained. The standard work on the history of this institution has hitherto been that of* LLORENTE[1]), *who was actually secretary of the Portuguese Inquisition. Yet* MR. LEA *has occasion time and again to correct*

[1]) Compare SCHÄFER'S opinion, on page 92.

LLORENTE'S *facts and figures, and especially with characteristic impartiality reduce considerably the sensational totals of* LLORENTE *as to the Inquisition martyrs that have served to condemn the Inquisition for the last century...*

*Thus on the side on which modern historians lay so much stress—the study of the "Quellen"—*MR. LEA *is impeccable. And the spirit with which he views his sources is equally characterized by that impartiality on which the modern historian prides himself. Not that* MR. LEA *does not feel the natural revolt of a humane spirit against that horrible compound of religious intolerance and official stupidity which has made the Inquisition a byword. He regards these things with the natural repugnance of a true American, yet gives credit to the Inquisition for having a better record in regard to the treatment of witchcraft than any of the Protestant nations which showed in this particular quarter as much stupidity and intolerance as would have done credit to an Inquisitor.* MR. LEA *gives the facts with true scientific caution, and does not venture upon any hypothesis to explain it. In all probability the wider experience of the Inquisition as to what can be extorted from a witness under torture made it more cautious in accepting the confessions of witches than was* COTTON MATHER *or* SIR THOMAS BROWNE. *Similarly* MR. LEA *does justice to the general beneficent effect of the Inquisition's attitude toward that curious amalgam of mysticism and licentiousness known as quietism . . .*

It will thus be seen that MR. LEA'S *great work exhausts almost all aspects of the important institu-*

tion, the history of which it gives in so much detail. It would be impossible in such a summary review of so important a publication to criticise it in detail, even if the present writer were competent to do so..

It seems signally appropriate that such a work on the worst instrument of intolerance should issue from a land in which toleration[1]*) is in the very air.*

A. ZIMMERMAN, in the literary supplement to the *Germania* (No. 30, of July 25, 1907), reviews the second and third volumes of the work in question[2]). The following part of his review may be quoted here:

LEA, *who from a publisher has advanced himself to an independent scientific explorer of a field only slightly touched by others, could not entirely deny the amateur in his earlier books on Priestly Celibacy, the History of Auricular Confession and Indulgences, and even in his chief effort: the History of the Inquisition in the Middle Ages... In the work here referred to, there are found few traces of superficiality, inaccuracy, and prejudice... Since the sources for the history of the Spanish Inquisition are so abundant,* LEA *could let them speak for themselves, namely the statesmen and jurists of Spain, who all agree that the preservation of purity in faith and race might have been achieved by less violent means. . . . . The spreading mania of proscribing those in whose veins flowed Moorish blood, and to deprive them*

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[1]) Has the reviewer, not, by forgetfulness, here omitted the words: of the negroes, Indians, Chinese and Japanese?

[2]) ZIMMERMAN reviewed the first volume in the *Historische Jahrbuch*, vol. 27, p. 669.

under this pretext first of their offices and later of their possessions, becomes ever more noticeable. This leads to espionage and heretic-hunting. The sources of revenue were confiscations, fines, dispensations. Of this treats the fifth book. The apprehension of the accused, the process, the secret prison, are dealt with in the sixth book. One cannot forbear to deplore the recklessness with which the judges so freely made light of legal precepts.

In the third volume are described the methods by which the Inquisitors endeavored to draw an avowal from their victims. Of confronting the accuser with the accused there was no question, nor even of naming the accuser. The milder procedure which the Inquisition is supposed to have practised in comparison with the profane criminal procedure was infrequent. Even the most thorough Catholic inquirers censure the persecuting spirit of the Inquisitors, the greed of their servitors, their interference in purely worldly affairs. How little the Inquisition was capable in the eighteenth century to combat unbelief in higher circles, as also the extreme Gallicanism of the Bourbon rule and the hostility against the Pope and the Orders loyal to him, is shown in the reign of CHARLES III. and *his son. The Inquisition became more and more an instrument in the hands of the ministers.* LEA'S *style is not brilliant, but lucid*[1]*). The material which he assembled from the libraries of Spain,*

[1]) Compare the opinion of JACOBS concerning LEA's style, on p. 13.

Germany and England, places us in a position to learn the opinions of Spanish judges, statesmen, and priests about the effects of the Inquisition. The Inquisition at any rate did not prevent the political, religious and scientific downfall of Spain in the eighteenth century.

VII.—THE SACRED PENITENTIARY.

My previous brief reference to LEA's views on the Penitentiary I must follow up by further remarks, in connection with a review of his edition of a Formulary from the thirteenth century. In the second volume of his History of Auricular Confession and Indulgences in the Latin Church, LEA discusses on pages 160-167 the origin of the Penitentiary. He describes the proceeding as follows:

When the system of redemptions, under the sacramental theory[1]*), became restricted to the "poena," there naturally arose a demand for some equally facile method of eluding the "culpa," nor, to generations trained in* POPE BONIFACE'S *happy commerce, and accustomed to see the power of the keys exploited in every way for gain, could there be anything abhorrent in the sale of pardons and abso-*

[1]) As evidence that the *Poenitentiale* of ROBERT of Flamesburg could not have been composed after 1215, DIETTERLE remarks in *Zeitschrift für Kirchengeschichte*, 1903, p. 363, that ROBERT did not yet know of Confession as a Sacrament. This curious assertion is made by reason of the following passage which I set down here without comment: *Sacerdotis filius non est frater spiritualis illius, quam sacerdos admittit ad penitentiam; ideo potest cum ea contrahere. Johannes hoc dicit. Hoc ideo fit, quia plura sacramenta sunt in baptismo quam in penitentia, utpote resurrectionis et aliorum, sed privata penitentia nullum est sacramentum, et ideo per eam non gene atur compaternitas vel fraternitas spiritualis.* GANDERT, a self appointed specialist in *catholicis*, asserts: *it sufficed in general to confess, and it was considered as self-understood that one only confessed concerning the past sins, "not also future ones yet to be committed."* This is an astonishing proficiency of a Protestant theologian in Catholic doctrine, at all times entertaining when met with.

lutions. If the priest could derive, as we have seen, a revenue from the confessional, and the abbey could add manor to manor by relieving the sinner from the weight of his guilt, the prelate who had reserved the more heinous offences for his own tribunal, and the Pope, who, as the universal bishop, had jurisdiction in first and last resort over all the faithful, would have been curiously indifferent to the opportunities afforded by the customs and spirit of the age, had they not utilized their power in the same fashion. So long as confession was irregular and voluntary, there could be no organized and systematized arrangement for such a traffic, but when confession was made obligatory by the Lateran canon of 1216, and sinners were required to obtain absolution annually as a condition precedent to the prescribed Easter communion, it became necessary for the bishops and the Pope to make arrangements for the business which commenced to flow in to them as enforced confession gradually became general. Thus arose the office of penitentiaries, to whom the prelates delegated the powers which their other duties and occupations prevented them from exercising personally. The earliest allusions to such functionaries that I have met with occurs in the synod of York, in 1195, where perjurers are directed to be sent to the general confessor of the diocese, in the absence of the bishop or archbishop. The Lateran council, recognizing the necessity of such officials, ordered the bishops to appoint them not only in their cathedrals, but in all conventual churches, and we have seen (I., p. 230) that this was gradually though not universally

obeyed. That these functions were a source of revenue in populous and wealthy dioceses would appear from the fact that, in 1263, we find the office of penitentiary in the church of Paris held on feudal tenure of the bishop, to whom homage is paid on investiture. It was probably to protect this means of income that, in 1294, the council of Saumur forbade the archdeacons, deans and archpriests of the diocese of Tours from granting absolution for money in episcopal reserved cases.

The papal Penitentiary was a natural outgrowth of the system. Penitents, as we have seen, were in the habit of appealing to the Holy See, either to obtain mitigation of penances imposed at home, or sent thither by bishops unable to decide especially difficult cases, or applying for penance in hopes that the devotion manifested by the pilgrimage might procure for them easier terms than they were likely to obtain from their own prelates, and that this was the case is rendered evident by the constantly increasing business of the kind, in spite of the remonstrances and efforts of the local authorities and councils to suppress it, from the time of St. Boniface *in the eighth century to the council of Limoges in the eleventh. There seems, however, to have been no special organization in the Curia for the treatment of these cases until the introduction of the enforced annual confession. One of the results of this must have been to increase greatly the number of penitents and to force on the local confessors and bishops the consideration of a vast number of cases which they were ill-prepared to decide, so that the afflux of pilgrims to the Holy*

See, whether for original judgment or for appeal, naturally grew. In addition to this was the constantly increasing list of papal reserved cases, so that a permanent tribunal in perpetual session became a necessity. In the existing confusion as to the limits of the "forum internum" and "externum," this tribunal grasped a vast mass of business wholly disconnected with sacramental penance and absolution, but in the latter sphere it was supreme, and to it flocked from every corner of the lands of the Roman obedience criminals and sinners of every kind eager to obtain pardon. In time this pardon came to be recognized as good not only in the forum of conscience, but in the secular courts, and when some ill-advised jurists sought to limit its competence to the spiritual forum, SIXTUS IV., *in 1484, exploded in indignation at the sacrilegious audacity, and pronounced its decision binding on all courts ecclesiastical and secular,—a declaration which had to be repeated by* PAUL III., *in 1549, and by* JULIUS III., *in 1550.*

This, briefly, is according to LEA'S revelation of 1896, the origin of the Penitentiary. I should do too much honor to this purely commercial account were I to add anything to it. It is abundantly effective of its own force, and reflects a brilliant light upon its author.

The author, however, goes on, in the same style:

Prior to the counter-Reformation it was a matter of course that the absolutions granted by the Penitentiary were issued directly or indirectly for money. There was nothing to shock the ordinary public conscience, for the training of centuries had familiarized

men's minds with the idea that pardon for sin was purchasable... That it [the Curia] should exploit every available source of revenue was expected...

In view of DENIFLE'S tax list of 1338 LEA has to admit that the arbitrarily drawn groups of sins for which the same taxes applied *bore no relation to the quality or degree of the crime pardoned. They evidently were simply scrivener's fees.* In the beginning only these lesser taxes were demanded, but with the growing of the institute they had been multiplied.

This does not, however, serve to explain the assertions quoted above that the Holy See sold absolutions for sin, nor the complaints of its demoralizing influence.

LEA then endeavors to make this influence and these complaints plausible by some reflections wherein the word *evidently* frequently plays its well-known part. With a few unctious words the author concludes this investigation.

I can imagine no greater carelessness than LEA has demonstrated in his treatment of an institution of such supreme importance as the Penitentiary. It requires an utterly blind faith in the master's authority to recognize in such representations objective history.

LEA acquired from the vender of old books, ALBERT COHN of Berlin, a manuscript from the thirteenth century, originating in Italy, which he published under the title *A Formulary of the Papal Penitentiary in the Thirteenth Century*[1]). To the re-

[1]) Phila., LEA BROTHERS AND CO., 1892.

print of the text the editor prefixes an introduction of 33 pages, and appends to it an index of 9 pages. The reliability of the text is moderate, as the collation of one single page of the manuscript shows, in addition to other small blunders, the following errors: read *transi(t)* instead of *transit; corone* instead of *communione; quidam* instead of *quidem; anplius* instead of *amplius; quando* instead of *quod; dimittatis* instead of *admittatis*. The meaning of two dots in place of an omitted or suppressed proper name is not known to LEA; that the under-dotting of letters means their erasure is also unknown to him. LEA's punctuation of the text is in its capriciousness more than once misleading.

The introduction discusses the origin and author of the formulary. This investigation is surpassed by the similar one of GÖLLER. The data of the first appearance of Penitentiaries at the Curia, and of their sphere of labors, are in our day obsolete. Even though one meets in the introduction with some pleasing observations, yet LEA extracts far more information from his formulary than is contained therein for one acquainted with the Papal correspondence of the thirteenth, fourteenth and fifteenth centuries. Because INNOCENT IV. personally attended in his Registers to many matters which at the same time are comprised in the work of the Penitentiary, LEA holds that *the system was still inchoate and undefined.* This however is not proved, because both styles of epistles have always existed side by side, in support of which fact I have abundant proof at hand. It is therefore ill advised to say that *the Penitentiary evidently as yet was not*

recognized as the necessary organ of the Papal authority in these matters (p. XXXIV). The spirit of LEA's comment is obvious from the following words:

Although occasionally it unquestionably remedied some injustice or prevented an oppression, in general it (viz. the Roman jurisdiction) was undoubtedly an evil, for it assumed to do what was beyond human power to accomplish — to decide upon all cases of morals and discipline in virtual ignorance of the facts, and it thus introduced everywhere confusion of morals and relaxation of discipline.

This generalizing, not at all supported by corresponding proof, is quite appropriate to the author's way of thinking.

As stupidity or malice,—LEA may choose which, must be characterized the following passage found in the annotation on page XVIII:

A very significant instance of latitudinarianism occurs in the conditions imposed by the Penitentiary in the seventeenth century for releasing a man from a vow to enter a religious order, "dummodo vitam caelibem ducat," which is explained by the commentator to mean that while he must not marry it does not debar him from other carnal indulgence—"si enim voluisset imponere voventi continentiam ab omni copula carnali et venerea delectatione, usurpasset nomen castitatis non autem caelibatus," which is not improved by the distinction drawn between human law and divine law, "quia quoad alias delectationes carnales et libidinosas a lege divina omnibus hoc est prohibitum."

The aggrieving part is found in the grotesque

words *it does not debar him from other carnal indulgence.* In order that not: *pro concessione gratiae neque pro absolutione, sed pro peccati satisfactione possit imponi mulcta pecuniaria expendenda in pias impensas* LEA artlessly translates into *that it is perfectly legitimate to receive money for the pardon of sins and the granting of dispensations.* When cloisters of very small revenues desired, or were required, to receive members over and above the number of monks or nuns than could be supported, this was permissible only if the new members brought dowries sufficient to cover their maintenance. In addition to quite superfluous etymological examinations into the term dowry we are treated to the information that such proceeding was Simony.

SANTA TERESA *had no scruple in bargaining with applicants as to what they should pay for admission into her reformed order of Barefooted Carmelites.*

On the question how the cloisters could have otherwise solved this purely economical question, LEA is silent, notwithstanding his eminent business acumen, the evidence of which I have several times had occasion to point out.

LEA has no idea whatever of the punishment of the various kinds of *falsarii bullae papalis.* From the erasing of single letters, or of a word, to the forging of entire documents, with genuine or false lead seals, there were many intermediate degrees. That the transgressors of these various degrees were, at all times, differently punished is a matter of course. In the formulary there are quoted a few of the lesser cases which were punished rather mildly. In order to depict in this connection the baneful

effect of the Penitentiary, LEA, in absolute ignorance of the constant judicature of the Curia[1]) in these most important affairs, tells us:

There were few graver offences in the eyes of the Curia than the forgery or falsification of papal letters and yet in the rubrics XLVIII and XLIX we have instances of deacons guilty of this who are allowed to continue in the exercise of their functions, although the canon law, in the contemporary Decretals of GREGORY IX, *provided that clerks committing this crime should be perpetually deprived of office and benefice, be degraded and handed over to the secular arm for condign punishment.* (p. XII.)

I possess a numerous collection of immediate Papal verdicts against falsifiers and falsifications, which exactly agree with the decisions of the Penitentiary here given. In his supercilious way LEA proclaims, absolutely without evidence: *In many cases indeed bribery is the readiest explanation of the uncalled for lenity shown.*

Enough of LEA's unedifying science or sciolism.[2]) After my experience with LEA I turn with

[1]) Compare GÖLLER's compilation, *Die Päpstliche Pönitentiarie von ihrem Ursprung bis zu ihrer Umgestaltung unter* PIUS V., Vol. I. *Die Päpstliche Pönitentiarie bis* EUGEN IV, Part I, pp. 105-106.

[2]) It is to be regretted that LEA did not provide his edition of this highly important text, of which a second copy has not yet become known, with a more fitting introduction. Space may be allowed here to a review of LEA's formulary by J. P. KIRSCH, in *Historisches Jahrbuch*, Vol. 14 (1893), p. 201: *Whether the editor reproduced the text faultlessly I could only ascertain by a close examination and there I found various mistakes..... In No. 1 (p. 9) the text of the manuscript "bone memorie abbas et quidem predecessores vestri" is altered without comment and without sufficient reason; some lines further*

special pleasure to one of his countrymen who has published a small but very meritorious essay under the title: *The Sources for the History of the Papal Penitentiary,* which first appeared in the *American Journal of Theology,* XV,3 (1905). The author, PROFESSOR CHARLES H. HASKINS of Harvard University, completely commands the related literature and discusses it with an intimate knowledge.

HASKINS places the origin of LEA's formulary in the years 1234 to 1243, and ascribes authorship to CARDINAL THOMAS OF CAPUA. Under extensive utilization of manuscript material of great value the author gives us a summary of the development of the manual of the Penitentiary, examines the available records of supplications, and deals with the officials of this institution, invariably inducing further research. HASKINS did probably not expect that hardly two years after the writing of his

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we find "obnubilat" instead of "obnubilet." In the introduction a more detailed account of the development of the Penitentiary would have been desirable; this is disposed of by three pages (XXX-XXXII) and various references on following pages, while the preceding part seeks to prove in a very one-sided manner that the Penitentiary of the Curia has almost always operated in a harmful or futile, only occasionally in a beneficial way. That LEA *lets Penance become a Sacrament only in the Middle Ages (p. XXXI) and from the words of* PIUS *IX. on ecclesiastical immunity: "Dei ordinatione et canonicis sanctionibus constituta," concludes that the latter be an article of faith (p. 26 note), shows how few clear conceptions he possesses of Catholic doctrine. The formulary is in itself of great interest for the history of the ecclesiastical institution of Penance.* As a supplement to the issue of the formulary is to be mentioned LEA's paper on *The Taxes of the Papal Penitentiary,* in the July number (1893) of the *English Historical Review.*

highly meritorious compilation there would appear the first volume of a prominent work on the Penitentiary which sets right also many of his findings.

Proceeding from the Royal Prussian Historical Institute in Rome one would hardly expect a History of the Penitentiary. EMIL GÖLLER, the author of this notable work[1]), however mentions in his preface (p. VIII) facts which fully justify the appearance of the work from this place: *The fact that the most important collection of letters was made by the German corrector at the Penitentiary,* WALTER VON STRASSBURG*; that, moreover, the formulary of supplications in its second part, originating from about the same period, contains for the most part German petitioners and for this reason suggests a German author, and, finally, that the Councils of* CONSTANCE *and* BASLE *must be considered in a History of the Penitentiary, justifies in a marked degree the publication of a work of this kind by our historical Institute.*

A merit of this thorough-going author that cannot be too highly commended, is that he has based his researches upon the broadest foundation of literary and documentary sources. In his first part he treats of the printed and unprinted treatises of GOMEZ, VESTRIUS, COCCINUS, *Cod. Vat. lat 7532,* COHELLIUS, LUNADORO, LEO, PYRRHUS CORRADUS A TERRANOVA, DE LUCA, NAVAR, PLETTENBERG, SYRUS, PETRA, SBATTI, DE JUSTIS, DANIELI, MORONI, MARINI, PHILIPPS, HINSCHIUS, SCHERER, BANGEN,

[1]) *Die Päpstliche Pönitentiarie von ihrem Ursprung bis zu ihrer Umgestaltung unter* PIUS V.

Sägmüller, Woker, Eubel, Lea, Lecacheux, Lang, Haskins and Tarani[1]), thus towering far above all his predecessors. All these authorities are carefully examined and the gain of new points of view ascertained. His sources consist of documents and formularies (pp. 13-64) assembled in a completeness never heretofore achieved; their dependence upon one another is explained, thus drawing a distinct picture of their high significance. This is followed by a brief treatise (pp. 65-74) on the formularies of Benedict XII., of Walter von Strassburg, and such of later times. This literary-historical discussion shows to us the author as a sovereign master of his material, in critical regard as well as in the matter of completeness; having gathered it with great effort from numerous European libraries and archives. Upon this firm foundation the second chapter is erected (pp. 75-212) treating of the Organization and Business Routine of the Penitentiary. *One can hardly go wrong in placing the beginning of the Penitentiary in the time from* Alexander III *to* Innocent III, so Göller remarks on page 75, and produces for his assertion a great number of reasons. Particularly the power of dispensations, the faculty of absolution, the ecclesiastical penance[2]) and the res-

[1]) According to the author there is another print in the *Bibliotheca Berberini,* department *Stampe,* C I 116, but rather unimportant scientifically: *Bulla coenae Domini s. d. n. Pape Pauli III . . . cum elucidationibus d. P. Rebuffi de Montepessulano. Parisiis 1537.*

[2]) The most recent related work is that of Königer, *Die Beicht nach* Caesarius von Heisterbach (München, Lentner, 1906). As an industrious compilation it is most welcome; it deserves praise especially on account of its

ervations were the active inducements for the establishment of this new office. *In place of the fixed penances regulated in the penitential canons for individual transgressions, there appeared the arbitrary penance, since the eleventh century, as gradually the redemptions became ever more scarce,* so GÖLLER remarks and adds that GOTTLOB in his abovementioned book on the early Indulgences, attributes, in a one-sided manner, to Indulgences too much significance in the development of penance. GOTTLOB'S opinion, that *the publicity of the penance and the rigor of the punishments had now* (*after* INNOCENT III) *become untenable. The public penance, though only demanded in relatively few cases, was even in these done away with,* is, as GÖLLER remarks (p. 79, Annotation 1) *best disproved by the numerous examples of public penance until far into the fifteenth century.* The discussion of reservations leads GÖLLER to say: *No doubt can exist that the long existing custom, proved in numerous examples, particularly since the eleventh century, of sending penitents to the Curia for absolution, made necessary towards the end of the twelfth century, the creating of a special office, quite independent of the frequently on Legates and Bishops bestowed*

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references to the theological views of the times discussed. The material however has not been handled so as to bring out the theme with perfect clearness. It appears to me doubtful whether the difference between *confessio publica* and *privata* has always been observed. The crushing verdict against LAURAIN, *De l'intervention des laiques, des diacres, et des abesses dans l'administration de la pénitence* (Paris, 1897) must be greatly tempered. The personality of CAESARIUS has gained by this work; it appears in an essentially better light than before.

power to absolve, (p. 81). To this is joined a critical review of the earliest account of the Penitentiary, which was fully developed by the middle of the thirteenth century. The officials of this new office were composed of the Grand Penitentiary[1]), *poenitiarii minores*[2]), the *regens poenitentiariae,* the

[1]) About Grand Penitentiary NICOLAUS *episcopus Tusculanensis* the following interesting passage from the *Annales Waverleiensis Monasterii (Recueil XVIII, p. 202)* is according to GÖLLER to be noted in the year 1213: *Dominus Nicolaus episcopus Tusculanensis et cardinalis Romanaeque Curiae poenitentiarius domino papa Innocentio iubente V kal. Octobris veniens legatus in Angliam.* It now remains to discover his substitute in the office of *poenitentiarius.*

[2]) To GÖLLER's list of Penitentiaries who subsequently became Bishops, I offer the following additions: *1318* JOHANNES OPRAED. *Glasgow; 1321* JOHANNES OPRAED. *Skopelo; 1325* ANGELUS OPRAED. *Sulcis; 1343* PETRUS OCARM. *Grasse; 1348* LANFRANCUS OMIN. *Ancona; 1361* JOHANNES OPRAED. *Ossory; 1368* ANDREAS OPRAED. *Genua; 1372* AUGUSTINUS OSAUG. *Seckau; 1375* PETRUS OCARM, *Siponto; 1390* ANTONIUS OMIN, *Widdin; 1394* STEPHANUS OCARM. *Durazzo; 1396* JACOBUS OSAUG. *Andros; 1400* STEPHANUS OMIN. *Naxivan. 1400* HENRICUS OCARM. *Porto Rose; 1405* NICOLAUS OMIN. *Assisi; 1422* AUDOINUS OPRAED. *Acre; 1423* CONSTANTINUS OMIN. *Porto Rose.* On page 152 NICOLAUS-JERUSALEM is erroneously mentioned in 1278 instead of 1288. Page 151 last line read *Columbanus* instead of *Cambanus.* The Penitentiary RAYMUNDUS (referred to on p. 130 annotation 1) (Potthast 10292, *not* 10920) 1237, February 8, occurs already in 1234, June 4 (Auvray cap. 1944)—GÖLLER draws my attention also to two important decisions of the POPE NICHOLAS IV *(Les Registres de* NICOLAS IV *capp. 7152,-7153,1288 Septembris 20).* The same are addressed to the *ministri fratrum minorum regni Anglie et regnie Ybernie.* Pointing out that *de diversis mundi partibus ad sedem apostolicam fidelium confluit multitudo, propter quod expedire dinoscitur, ut apud eam diversarum linguarum penitentiarii habeantur,* each of the two *ministri* are required to send one of their brethren to the Curia for the purpose mentioned. That the national Penitentiaries to a certain extent could be, and were, occasionally made use of

auditor, notary, physician, *distributor literarum,* scriptores, the *baiuli,* correctors and their assistants, the clerk of the seals, and the procurators. On one hundred pages of very learned details (pp. 85-184) a great amount of new material is offered, making it possible for us in connection with the following part[1]) to comprehend very clearly the business routine. The diplomatic investigations are particularly thorough and valuable. The discussion of all cases and faculties belongs to the most instructive matter that has been offered in recent times on canonical-historical questions.

On the strength of an account by CROSTAROSA[2]) I have stated it in the *Theologische Revue* as possible that JACOBUS DE PECORARIO PLACENTINUS OCist, *episcopus Praenestinus* was Grand Penitentiary. I applied to him the verses of GUILELMUS BRITO, quoted by GÖLLER:

Dic Jacobo, pape vice qui delicta reorum
Audit, et absolvit confessos rite reatus,
Congrua diversis adhibens medicamina morbis.

Since then I have made more minute investiga-

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as political agents, appears to me evident from FINKE's *Acta Aragonensia,* Tom. II (1908) page 772. To a supplication of JAYMES II, CLEMENT V replies under November 4, 1309: *Super eo vero, quod etiam supplicarunt, quod aliquem oriundum de terra tua loco olim Petri penitenciarii nostri in penitentiarium admitere dignaremur, respondimus eis, quod cum frater Dominicus Ordinis Sancte Marie de Monte Carmeli de tuo dominio oriundus iam fuisset in loco huiusmodi subrogatus, non poteramus super hoc satisfacere votis tuis.*

[1]) Remarks on the business routine and the expedition of letters in the Penitentiary (pp. 185-202).

[2]) *Dei Titoli della Chiesa Romana. Appunti storico-giuridici. Roma Befani 1893 pag. 78.*

tions about the personality of this CARDINAL JACOBUS and have established the following:

The *Magister* JACOBUS *Capellanus Summi Pontificis et poenitentiarius* was on July 31, 1220, sent as Legate[1]) to Ireland, Scotland and the Isles. In the following year the Pope wrote him (cap. 3506), that he *famae suae consulens socios laudabilis vitae sibi assumat,* which perhaps referred to imprudences that had been committed and reported to Rome. This is all the more strange as since the year 1215 he was a Cistercian Monk[2]). The precise date of his return from his legation cannot be ascertained. As addressee of letters he disappeared from the records before the year 1224. In the year 1230 he is elected Abbot of Santi Vincenzo ed Anastasio in Tre Fontane[3]). In the September consistory of the following year there ensued his election to the Cardinalate, and his appointment as Bishop of Palestrina. As *electus Praenestinus* there is record of him as late as January 3, 1235[4]), but he receives in a Bull of March 15 of the same year the title of Episcopus[5]).

Of his presence at the Curia there is evidence, after his second legation to Hungary, from November 7, 1234, until January 3, 1235; then follows an

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[1]) *Pressutti, Regesta Honorii papae III capp. 2590, 2591, 2601, 2604, 2605, 2606, 2870, 3194, 3196, 3506, 4125.*

[2]) *Ciaconius-Oldoinus Tom. II col. 86.*

[3]) MOMBET, *L'Abbaye de Trois-Fontaines,* Lyons, 1869; page 31. There is found also the information: *Avant de prendre l'habit de l'Ordre de Citeaux, il avait été archidiacre de l'Eglise de Saint Domnin à Plaisance.*

[4]) Potthast, cap. 9812.

[5]) Potthast, cap. 9860.

absence of one year until the beginning of 1236. About the middle of the year 1239 he is sent as Legate to Languedoc, where he fell into the captivity of the Emperor. After his liberation he returned to the Curia, and when INNOCENT IV., in June, 1224, fled to France, he left Cardinal JACOBUS as his Vicar[1]), so CIACONIUS[2]) informs us. He is reported to have died on June 26, but a few days after this nomination.

For an activity as *poenitentiarius maior* there seems upon closer inspection hardly any time left in the life of this Cardinal, who was employed almost exclusively on important embassies. As also easily a confounding with his earlier function as *poenitentiarius minor* may be in question, and as the authority for his holding the office as Grand Penitentiary is in *historicis* a notoriously unreliable one, even the possibility of this fact cannot be affirmed.

But whether, on the other hand, a connection does not still exist between the verses given above and the man who was through the whole of Northwestern Europe well known on account of his first Nunciature, must be established by further research for which I lack the material.

For GÖLLER's list of Grand Penitentiaries come, as was pointed out to me by the author, into con-

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[1]) TOM. II, col. 87.

[2]) If JACOBUS was accredited as *Vicarius Urbis in spiritualibus* on the 7, October 1238 *(Reg. Vat. Tom.* 19 fol. L. III. *cap.* CCLVIII, *Auvray, Les Registres de* GREGOIRE IX *cap.* 4549), it does not follow that the appointment of the year 1244 also referred to the *spiritualia;* provided the information is reliable, one may presume that there was reference to a *Vicarius Urbis in temporalibus.*

sideration the first of the following items probably, the second certainly. Without stating whether there is question of the Cardinal Penitentiary, or of an ordinary penitentiary, INNOCENT III., under date of February 24, 1203[1]), states:

Verum idem W. in poenitentiarii nostri presentia constitutus, paupertatem nimiam allegavit, asserens, quod non posset Jerosolimitanam provinciam visitare.

On April 17 of the same year[2]) the Cardinal H(UGO) *tituli Sancti Martini presbyter cardinalis* received the commission *de fratrum nostrorum consilio* with reference to the murderers of the Bishop of Würzburg:

Confessione illorum audita, postquam fecit eos nudos in braccis tortas habentes in collo coram nobis diebus aliquot in frequentia populorum astare, to impose a penance in the Pope's name.

The business form of management into which the institution in Schism times had drifted, became even more pronounced by the appointment of self-interested and unfitted persons as *poenitentiarii minores.* Many voices were raised to demand redress there. At the Council of Constance a special Commission was instituted for this purpose, the conclusions of which GÖLLER makes known. After discussion of further efforts for improvement it is said, on page 212, that EUGENE IV. *actually undertook a thorough reform, if not in all then at least in many points. He uniformly regulated the faculties of the Grand Penitentiary, placed the College of*

[1]) Migne. Tom. 215 cap. 2.
[2]) Migne. Tom. 215 cap. 51.

"Poenitentiarii minores" upon a new basis, and fixed their number, duties, privileges, taxes, with regard to the requirements of the preceding times. The office of correctors, against whom serious charges had been made, was completely remodeled and reformed. Some ordinances were aimed also at other officials of the College. Thus his pontificate forms an important period in the History of the Penitentiary.

The third chapter (pp. 213-277) offers monographs for the history of the Penitentiary, the granting of Indulgences, and of the ecclesiastical-penal procedure.

The first part comprises dissertations on plenary indulgences, based upon the *Confessionale* up to EUGENE IV., which will create a sensation. The so heatedly contested expression *indulgentia a poena et culpa* is here thoroughly examined and proved to be theologically perfectly correct. Already NIKOLAUS PAULUS had, under reference to JOANNES VON PLATZ, directed attention to the extension of the confessor's faculties of absolution concerning reservations, and pointed out that the sin is remitted through contrite confession and sacramental absolution, and the punishment through indulgence granted by papal authority (p. 215). In this connection I would quote the remarks of THURSTON[1]), who says:

That the phrase[2]*) originated witn the confessional*

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[1]) The Holy Year of Jubilee. An account of the History and Ceremonial of the Roman Jubilee. London; SANDS & Co., 1900, page 534.

[2]) *a poena et culpa.*

letters which were wont from a tolerably early period to be conceded by the Popes to favored applicants. These conferred the privilege of choosing a confessor once or at most twice in a lifetime, who would have for that particular occasion, in virtue of that privilege, the special powers of absolving from reserved cases, and also of remitting all the punishment of sin,—in other words, of applying to the penitent a plenary indulgence. I think that such an absolution was called an absolution a poena et culpa...An ordinary absolution, of course, was from guilt (a culpa) only. This special absolution, including as it did a plenary Indulgence, was from punishment (a poena) also.

GÖLLER'S deductions made *a fil di logica* from the plenary indulgences based upon the *Confessionale,* may be summed up in the following leading points: 1. The grant of this favor can be traced back uninterruptedly to the year 1316. A single instance is discovered under CELESTINE V. In the early formularies it is expressly stated that it was granted only *per speciale privilegium personis aliquibus.* 2. The hitherto prevailing opinion that the *absolutio plenaria* was originally only bestowed *in articulo mortis* and only since the fifteenth century also *in vita semel* or *bis,* proves itself incorrect in so far as just in the early period[1]), under JOHN

[1]) As late as April 1, 1324, I find a grant *semel in vita, semel in morte,* with the explanation; *etiam ipsa plena corporis sospitate fruente.* In the thirteen months, from September 1321 to October 1322, the *remissio omnium peccatorum et poenarum semel in morte* was granted twelve times, the *remissio peccatorum,* without the *poenae,* six times. In the year 1338 there are recorded in the *Reg. Vat. Tom.* 126 (*in fine*) 69 Indulgences *semel in*

XXII., both kinds already appear. Then, it is true, the granting of the *Confessionale* except in the danger of death became unusual, still it occurred occasionally in individual cases. With the beginning of the fifteenth century the granting of the indult *semel* (or *bis*) *in vita,* became customary. 3. The designating of this favor as *absolutio* (*remissio*) *a poena et culpa* was known formerly only from chancery regulations and supplications under BONIFACE IX. With reference to this, and numerous other advices, BRIEGER believed himself compelled to state that Indulgences in the Middle Ages were applied not only to the penance but also to the *culpa.* On the other hand, JANSEN made an effort to prove that the expression *a poena et culpa* occurred in none of the papal documents of BONIFACE IX. In contrast thereto GÖLLER has proved that this term in connection with the Confessionale already occurs several times in the letters of JOHN XXII. and is quite common in papal chancery terms. 4. A comparison of the oldest forms of this class of papal briefs with contemporary forms of absolution, shows that the expression *a culpa et poena* is theologically perfectly correct. The notion that there was an indulgence from sin cannot be too sharply rejected as perfectly erroneous. The bestowal of the *absolutio plenaria* was done through the Confes-

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morte, of which sixty-seven have the initial *Provenit,* and each one the initial *Illas libenter* and *Eximie devotionis;* furthermore there are found in the *Reg. Aven. Tom.* 85 *fol.* 548 ss. in the *Rubrice de absolutione anni quarti* 568 more such cases, so that during the entire year 637 Indulgences of this kind were granted. On the initial *Provenit,* compare GÖLLER, page 221.

sor in confession, who first of all absolved the penitent from the sins confessed, and then performed the *remissio poenae* by a special *formula.* The *absolutio a peccatis (culpa)* was thus immediately followed by the *remissio poenae;* they remained, nevertheless, two distinctively separated and independent acts. 5. In the Chancery book the *absolutio plenaria in articulo mortis* is designated as a *plena remissio omnium peccatorum.* As a matter of fact the indult included the faculty for the Confessor, to absolve in this case from all sins, even those reserved to the Apostolic See. Stress must be laid upon the fact that in the grants which precede the formulary of the Chancery book there is to be read:

"Omnium peccatorum (de quibus corde contritus et ore confessus extiteris) ac penarum etiam, quibus tunc pro peccatis ipsis eris obnoxius" plena remissio.

This qualification was also retained in the form of absolution of the succeeding age; it is, however, omitted in the formulary of the briefs found already in the middle of the fourteenth century by the hundreds annually. I introduce here, literally, a very interesting petition for the selection of the Confessor who was to have the faculty of absolving also from sins reserved to the Apostolic See, the penitent selecting and naming his own penance:

Reg. Supplic. Tom. 10 fol. $\frac{XX}{VIII}$ VII r.

Avenione 1347 Maii 4

Supplicat S. V. humilis servus vester Barnabo Gerardi de Parma, quatinus sibi dignemini indulgere, ut confessor quem duxerit eligendum, iniuncto sibi in penitenciam salutarem, quod contra Turcos ultra mare transfretare et ibidem uno anno residere

debeat, eum absolvere valeat ista vice dumtaxat, ac ab omnibus peccatis suis eciam in casibus sedi apostolice reservatis et etiam si forte talia fuerint, propter que sit merito sedes apostolica consulenda.

Fiat R.

Item quod transeat sine alia lectione. Fiat R.

Et dignemini mandare litteras super premissis conficiendas per manus domini Raymundi de Valle gratis et indilate expediri.

Fiat R.

Dat. Avinion. IIII Non. Maii anno quinto.

The author's researches about the *processus* and the sentences are of a very instructive nature and promise, if carried further in the second volume, absolutely positive information about this greatly contested subject.

The second part of the volume comprises of authorities: I. The faculties (*concessiones*) of the Grand Penitentiaries, from NICHOLAS IV. to EUGENE IV. (pp. 1-47); II. Statutes and regulations about the issuing of briefs and the regulation of procedure at the Penitentiary (pp. 48-95); III. Records and Regesta on the History of the Penitentiary (pp. 96-131); IV. Propositions and opinions on the reform of the Penitentiary, from the time of the Councils at Constance and Basle (pp. 132-146); V. Petitions to the Penitentiary (pp. 147-171); and, VI. Notations about the *poenitentiarii minores* (pp. 172-180). The one hundred and sixteen annotations for the entire volume are placed at the end of the same, pages 181-188.

In characterizing this part of the work it must be said that the selection of the records is a very

good one; the reproduction of texts is made with all possible care, often under citation of a number of manuscripts, and the materials cover the entire range of the first, argumentative, part. In particular should be mentioned the thorough knowledge of the various Regesta of the Vatican archives[1]), which could only be acquired by long years of exhaustive labor. The V. chapter, on the Petitions of the Penitentiary, offered the editor special difficulties as the manuscript was either slovenly written, or the original from which the copy had been made was already corrupted, so that mistakes and errors multiplied in copying. GÖLLER has made more of this material than was *prima facie* to be expected.

It is LEA's fate that while busy reviewing his volumes there should claim my attention a work which demonstrates how an unprejudiced inquirer handles such delicate subjects, and what brilliant results he achieves because completely at home, not only in the realm of history, but also in Canon Law and Theology. Had this been the fact with LEA, there would not now crumble away, one by one, the stones of his outwardly so imposing structure, nor

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[1]) The order of MARTIN V, of September 1, 1418 *(not* of August), mentioned on page 206, according to which *nullus huiusmodi officium scriptorie predicte (i. e. litterarum apostolicarum) cum officio scriptorie penitenciarie literarum* (under penalty) *valeat retinere.* (BAUMGARTEN, *Aus Kanzlei und Kammer;* HERDER, Freiburg, 1907, page 324; Tangl, *Kanzleiordnungen* p. 135-7) was violated by the Pope the same day. JOHANNES DE FEYS, who besides the Datarie held also both *scriptoria,* was expressly exempted from this order prescribed under penalty (BAUMGARTEN l. c. p. 334) and the ViceChancellor and Grand Penitentiary were thereof apprised. (BAUMGARTEN l. c. page 335.)

would the voices urging greatest care in accepting his arguments increase from day to day.

Postscript. In the new periodical *Archivum Franciscanum Historicum (cura PP. Collegii D. Bonaventurae Ad Claras Aquas)* HERIBERT HOLZAPFEL, on pages 31-44 of the first issue, once more examines the tradition of the Indulgence of the Portiuncula (see p. 37). In conclusion he submits these theses: 1. According to reliable statements of contemporaries ST. FRANCIS asked for and received from the Pope a plenary Indulgence for the Church of the Portiuncula. 2. The Indulgence was at the beginning not so well known and sought as in the second half of the thirteenth century. Therewith this discussion which was thought to have been terminated, is re-opened. KIRSCH and PAULUS will have to take position.

CONCLUSION.

Of the forty-six States now composing the United States, there are very few, only about one-tenth of the number, that have kept themselves free from lynchings. As every one knows, lynching means the putting to death of real or alleged criminals without trial, without legal proceedings of any sort, at the impetuous demand and by the hands of impassioned mobs, among which are sometimes found staid and respected citizens. The victims are put to death in various ways, sometimes by hanging, in which case the body is made the target for rifle practice, also by tarring and feathering and subsequent death by bullets, by burning at the stake, and so on.

Apart from the fact that lynching is a most severe infraction of the Christian laws, this most detestable procedure violates the article of the Constitution of the United States, which insures a lawful trial to every transgressor of whatever color, race or station, without regard to the nature of his crime.

Most frequently are negroes the victims of the lynch law, although in the southern States of the Union the number of whites executed by lynching in the years from 1885 to 1903 amounted to almost thirty per cent. Exact statistics are not available, but it has been ascertained that in the eighteen years from 1885 to 1903 there took place in the United States 2875 murders by lynching, without claiming that this number includes all cases. If in these years so close to us such a fright-

fully large number of these outrages has occurred, how large indeed must the total number have been for the previous fifty years? Even accepting only the average of recent years as standard, namely, 160 cases a year, then for the last fifty years there would result the aggregate of 8000 murders by lynching. This figure is by no means too high; indeed, one may, without fear of error, add at least twenty-five per cent. to the total and come nearer the truth. Nor do these figures include the many executions which, outside of the law, took place in the middle of the last century, in the then newly discovered gold fields of California. For those executions every fair minded man will allow some extenuation, provided there was well founded suspicion of a serious crime, because there was no public authority to administer justice and the people were forced to act for their own protection. Some kind of self help may, therefore, be supposed to have been indispensable in California against the lawless and vicious elements that gathered there. To these and similar instances I do not refer in these remarks.

But conditions such as prevailing in those years in California have not existed since the eighties and consequently 2875 lynch murders within eighteen years is a positively monstrous fact. Abhorrence for it is intensified by the positive fact that not infrequently innocent persons were the victims and suffered a horrible death. If a suppression of these horrors has not been accomplished so far one would at least suppose that the punishing of the participants in these barbarous outrages would have been regarded the *nobile officium* of public justice,

One might suppose that the State authorities would not rest until they had surrendered to justice if not all participants then at least the leaders and chief culprits, and should the State Government prove tardy in this respect, it might justly be expected that the Federal authorities at Washington would employ all means at their disposal,—and they are many,—in order to wipe out this sore spot.

This every right minded man would expect. And as a matter of fact not only the whole cultured world of Europe but also innumerable citizens of the United States demand this. Yet, has all this pressure of public opinion attained any notable results?

The fact is that even now individual participants in lynching are only in the rarest cases apprehended and punished. In the overwhelming majority of these outrages ringleaders as well as the attendant mob go scot free. State power does not often proceed against them, officials who would do this courageously can seldom be found.

We have then to deal here with a positive refusal of lawful process, with mob law without trial, with cruel and wanton executions, and, usually, with a cowardly shirking of their duty by the authorities.

In an article on lynching by Cardinal GIBBONS, Archbishop of Baltimore, in the *North American Review,* of October 1, 1905, emphasis is laid on the less obvious fact that often even the guilty victims of lynching gain from their sufferings a certain halo of martyrdom.

Furthermore just that class of crimes which is most frequently avenged by lynching, namely as-

saults upon white women, is by lynchings increased rather than diminished, since the negroes, embittered by the lynchings of their kind, commit these crimes oftener to revenge themselves than in the gratification of bestial desires.

The summary lynching in New Orleans of Italians implicated in the murder of the chief of police, prominent citizens taking part in this execution, is still fresh in our memory.

No matter what extenuating circumstances and arguments may be advanced to explain the continuance of lynching in a civilized country, the fact remains, that it is a lawless, revolting and loathsome outrage, and a sad travesty on the administration of justice. And this mockery of justice is rampant, in this the humane and enlightened twentieth century, in the very country that claims as one of its distinguished citizens HENRY CHARLES LEA, the author of the volumes on the Inquisition that have just occupied our attention.

A discussion of lynching could claim no place here had not LEA by his beratings of the various phases of the Inquisitorial process suggested the comparison.

It was the right of the historian LEA[1]) to treat exhaustively of all questions in connection with the

[1]) The following extremely interesting intelligence I have culled from *The Catholic Fortnightly Review* (of January 1, 1908): *The Milwaukee Catholic Citizen* (XXXVII, 2) *is authority for the statement that* MR. HENRY C. LEA, *of Philadelphia, author of A History of the Spanish Inquisition, A History of Auricular Confession and Indulgences in the Latin Church, and other pretentious works, is a grandson of* MATHEW CAREY *(1760—1839), who published Catholic books in Philadelphia ninety years ago,*

process of the Inquisition, to the full extent his material justly admitted.

It was the right of LEA to stigmatize wrongs that actually occurred, and that have been proved to have been committed by the Inquisition and its officials, as severely as his objective judgment, or as much as he is possessed of such, demands.

It was LEA'S right to draw from carefully sifted facts logical conclusions, after having made a successful effort to fit the individual facts correctly in the great course of events.

It is *not* the right of LEA to assert with emphasis, with reference to the Inquisition and its procedure, that such or similar things could never happen in our civilized, more humanely and more leniently thinking and acting age; that our age is beyond such monstrosities and turns away with great horror from a judicial procedure which is but a distorted caricature of justice.

It is *not* LEA'S right to accuse, with eager zeal and with all means at his disposal, including objective falsifications, the Inquisition and its officers in general of most disgraceful official conduct, of most

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and in 1819 wrote Vindiciae Hibernicae, a defence of the Irish Catholics from the false charge of massacreing Protestants in 1641. MR. LEA'S *works and scientific methods, as our readers are aware, have provoked sharp criticisms in this country [U. S. of America] from* FATHER CASEY, *S. J.,* and DR. BOUQUILLON. *Lately* FR. LEPICIER *has devoted much attention to them in his splendid work on Indulgences... We wish to draw attention to the fact that* REV. M. J. O'DONNELL, *in his lately published dissertation on Penance in the Early Church (Dublin 1907) undertakes to refute* LEA'S *thesis, that the Church as a whole knew nothing of the Sacrament of Penance up to the thirteenth century.*

reckless arbitrariness of the greatest injustice.[1]) The expressions used by him in this endeavor approach very closely the bounds of what is permissible in cultured circles.

As if we had really brought things to such a glorious state in our enlightened times, we meet in his seven volumes with frequent contemplations rehearsing his manifold, disdainful reproaches and claiming for us and our times the distinction that something like these things would now be absolutely impossible. All this is downright, though perhaps unpremeditated, hypocrisy. The cultured world of our days has much to show which deserves worse than the reproaches, made justly or unjustly, and with a great effort at moral indignation, against the Inquisition. Proof of this is found, as above related, in LEA's own country. Even in its most flourishing times there occurred in the Medieval Inquisition

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[1]) VACANDARD, *L'Inquisition* (see p. 58), page vii.: *Plus soucieux de la vérité historique et beaucoup plus richement documenté un grand bibliophile américain,* M. HENRI CHARLES LEA, *déjà connu par d'autres travaux d'histoire réligieuse a publié à New York. . . Son ouvrage a eu les honneurs d'une traduction francaise. Et la presse européenne lui a fait, en général, un acceuil des plus flatteurs. On a pu dire sans exageration que le livre de* LEA *est l'histoire de l'inquisition la plus étenduc, la plus profonde et la plus fouillée que nous possédions.' Il s'en faut cependant que ce soit le dernier mot de la science. Et nous ne parlous pas ici des modifications de détail que l'étude des sources encore à découvrir peut apporter dans l'exposé du sujet. Les documents que nous connaissons suffisent pour fixer un jugement sur l'institution elle-méme. Celui que M.* LEA *a prononcé, malgré des signes incontestables de probité intellectuelle, demeure sujet à caution. L'auteur est loyal si l'on veut; impartial non. On voit trop souvent transparaitre sous sa plume les préjugés et les défiances qu'il nourrit à l'égard de l'Eglise catholique. La critique sé trouve parfois gravement faussée.*

nothing even nearly approaching such abominable scenes as Cardinal GIBBONS rightly deplores in his above quoted article. If then in closest proximity to the author such a complete denial of right and justice, of trial and of judgment, is of such frequent occurrence, how dared he assert with frequent reiteration that our enlightened times have for unrighteous incidents such as connected with the Inquisition only the pitiful smile of enlightened superiority? He, who in his own country almost at regular intervals has to record horrible excesses of human brutality, which, because committed *tumultuarie et collective*, go utterly unpunished, should have been very careful about drawing this parallel. LEA's posing brings forcefully to mind the Pharisee's words: *I thank Thee, O Lord, that I am not as the rest of men!*

Of special interest to LEA should be the concluding words of Cardinal GIBBONS' quoted article. With just pride the author points to the fact that in the two lower counties of Maryland whites and blacks live together in almost equal proportion of numbers, both professing the Catholic faith in overwhelming majority; a case of maltreatment of a white woman by a negro has never happened there, nor a case of lynching. The result of the fact that negro and white worship there, side by side, in the same church, before the same altar, is said to be that the negro has the greatest esteem for the white, and makes no attempt to remove the existing social differences. I think even LEA will be able to draw without assistance the only possible conclusion.

By declaring that an examination of LEA's com-

pilations of his literary data—so far as this can be done—and of his argument in very many cases yields such different results, I have not stated anything new to the thorough student of LEA's works and of recent literature[1]). It is to be extremely regretted that so much personal and delegated labor, so much outlay, should have been spent in an undertaking not erected upon the indispensable basis of a clear conception and of correct valuation of medieval, ecclesiastical, State and social order, and their close interconnection. This, in principle, so important defect is the chief

[1]) ZOCKLER expresses himself in *Jahresberichte der Geschichtswissenschaft* (1898, IV, 107 (143) *apropos* of *Auricular Confession and Indulgences as follows*: With still greater volubility (than PIJPER) is the same theme dealt with by the North American CH. H. LEA, in his History of Auricular Confession and Indulgences in the Latin Church, of which its three ponderous volumes followed one another in quick succession within the space of a twelvemonth. The author's knowledge of literature is considerable, nevertheless he does not exhaust the related material, for instance Vol. I of PIJPER's work appears to have been unknown to him, as he never refers to it anywhere. Among the defects of the work belongs also the quite partial restriction of the Author to the practice of Confession and absolution in the West. This is especially evident in a disturbing manner at the beginning of the III. volume; one misses here a reference to the history in the early Church (Eastern as well as Western) of the Roman medieval term *indulgentia*. The very superficial manner of quoting and frequent inexact use he makes of his quotations have not without good reason been censured. Nevertheless there may be gleaned many suggestions from the abundant and well designed contents of the work which is made of easy access by good indices. I would here also briefly refer to the numerous censures of LEA's unreliability, of his credulity in regard to exalted private utterances of the popular mind, of his misunderstandings, etc., regarding Auricular Confession, published in the *Historische Zeitschrift*, vol. 78 (N. F. 42), p. 94.

source for the numberless mistakes and misrepresentations from which all of LEA's works suffer in a hopeless degree. It is to be regretted that these books, written with such great devotion and obvious industry, will thus more quickly depreciate than otherwise would have been the case.

* * *

I take leave of MR. LEA, his labors, his adherents, and his critics. I do so not without saluting Mr. LEA with the sharp sword which was found needful in the contest, and not without expressing my esteem and admiration for his industry, his endurance and undisputed results. That in the interest of historical research I was frequently compelled to oppose him energetically, no one deplores more than I; had it been possible, I should have been only too glad to avoid it. That the aged scholar who has in a unique manner attained success[1]), both in the commercial and in the purely scientific sphere, may enjoy his vigorous age for a long number of years, is the sincerest wish of the writer of this review.

[1]) As specially worthy of note and of praise I would mention that LEA's glance embraces with equal interest the conditions of early Christianity and of those of the Middle Ages, without ignoring the events of modern times. This comprehensive method of observation becomes, with our inclination to specializing, from day to day scarcer, because more difficult. In this respect LEA's work belongs to the style of the good old times, which did not offer excerpts, but general surveys which were of real, practical value.

DOCUMENTS.

I.

In the following document Pope BONIFACE VIII. charges the Inquisitors to refrain from proceedings against the *rectores fraternitatis et clerum urbis*. Should it become necessary to take measures against any of them, the Vicar General is commissioned with this duty for all times, who, however, must follow the procedure of the Inquisition. This privilege, with certain restrictions, shall be extended to the blood relations of the Rectors and members of the clergy, unto the third degree.

Reg. Vat. Tom. 50 fol. CCCLXXXVIIr. cap. XLVIIII (252).

Anagniae 1303 Julii 7.

Dilectis filiis inquisitoribus heretice pravitatis auctoritate apostolica in Romana provincia institutis et instituendis imposterum.

Ex rationabilibus causis moti volumus et districte vobis precipiendo mandamus, quatinus contra dilectos filios rectores Romane fraternitatis et clerum Urbis, cuiusvis fuerint dignitatis, ordinis, conditionis aut status, inquisitionis officium pravitatis heretice exercere nullatenus presumatis, et si secus feceritis, illud decernimus irritum et inane ac nullius existere firmitatis. Huiusmodi autem inquisitionis officium contra ipsos rectores et clerum vel ipsorum aliquem per venerabilem fratrem nostrum Johannem episcopum Auximan. nostrum in Urbe vicarium et eius in vicaria huiusmodi successores eadem auctoritate, si opus fuerit. et. quod absit casus acciderit, exer-

ceri volumus fideliter et ferventer, et illum modum in procedendo servari, quem inquisitores pravitatis predicte solent, possunt et debent[1]) per iura communia vel per speciales concessiones et ordinationes sedis apostolice observare, proviso quod ad diffinitivam sententiam super crimine, confiscatione, publicatione bonorum vel statu persone cuiusvis ex rectoribus vel clero predictis, contra quem erit diffinitiva sententia proferenda, absque apostolice sedis speciali licentia non precedatis, et si secus feceritis, illud decernimus irritum et inane.

Ceterum, ut gratia facta rectoribus et clero predictis aliqualiter etiam extendatur ad personas ipsis vel eorum alicui usque ad tertium consanguinitatis gradum coniunctas, volumus, mandamus atque concedimus, ut per vicarium ipsum et successores eius in vicaria predicta et per vos seu vestrum alterum et successores vestros in huiusmodi inquisitionis officio contra tales personas etiam de facto eodem inquiri valeat communiter vel divisim; et si divisim processum fuerit, teneamini invicem vestros communicare processus, ut per hoc possit melius veritas inveniri. Ad sententiam autem diffinitivam super crimine, confiscatione vel publicatione bonorum vel statu persone, contra quam erit diffinitiva sententia proferenda per vicarium sine vobis vel vestrum altero et per vos sine vicario, nullatenus procedatur, et si secus factum fuerit, illud decernimus irritum et

[1]) The following words, to *atque concedimus,* are taken from the (in the records) preceding document of the Vicar General of Rome; in their place is, in our document, the following reference: *etc. "ut in proxima superiori verbis competenter mutatis; atque concedimus."*

inane. In cuius prolatione sententie, si inter vicarium ipsum et vos vel vestrum alterum non fuerit forte concordia, per utrosque negotium sufficienter instructum ad sedem remittatur eandem. Nichilominus autem vos vel alter vestrum, secundum quod vobis est a sede prefata commissum, procedatis fideliter et ferventer contra Jacobum et Petrum de Columpna olim Sancte Romane Ecclesie cardinales, Stephanum et Jacobum dictum Sciarra, Johannem et Oddonem natos quondam Johannis de Columpna fratris dicti Jacobi et patris Petri prefati scismaticos et contra fautores, conductores et receptatores eorum et eos, qui dederint vel dabunt eis auxilium, consilium vel favorem.

Dat. Anagnie non. Julii anno nono.

2.

Detailed Camera accounts, from the years 1321 and 1322, concerning expenses connected with the services of the Inquisitor LAURENTIUS DE MONDAYNO, who preached the Cross against Recanati, Osimo and other places, as also against FREDERICK OF MONTEFELTRE. In Tuscany and the Maritima there preached GUIDO DE PASANO *decretorum doctor,* and in Sicily and Apulia frater GUIDO DE LAVICTORIA and Magister GUADAMBIUS DE ALAMANDULA. The expenses of an armed escort for Inquisitor LAURENTIUS suggests that his activity was not without peril. There is mention further of expenses for various prelates who were sent into some Church provinces in the interest of preaching the Cross. The two Franciscans, THOMASSUTIUS DE MACERATA and PALMERIUS DE SANCTO HELPIDIO, were, on March 7, 1322, sent to Ger-

many for four months, with the Cross Bulls, under escort of Ser GRATIANUS DE LUCCA and the German PAULUS GOLDESTEN. Each received twelve gold florins monthly for the period of the journey, therefore a total of 192 gold florins. On the 30th of March, however, the *cursores* FATIOLUS and CORRADUS DE CAMERINO were dispatched after them. *qui sequerentur predictos fratres et sotios per diversa itinera ubicunque per Alamaniam cum litteris domini marchionis, ut non presentarent dictas litteras Crucis per Alamaniam, cum sit aliud ordinatum per dominum nostrum summum pontificem.*

The Cursores received 24 gold florins; evidently they did not reach the others in time. Since, however the two Franciscans and Ser GRATIANUS (PAULUS GOLDESTEN apparently had remained in Germany) staid away one month and eight days over the allotted time they received, after their return on the 30th of August, additionally forty-five gold florins. Moreover, Friar THOMASSUTIUS received seven gold florins for a horse that had succumbed on the way *propter nimium laborem.* The remarks about collection boxes in churches and their official opening by a special envoy deserve our interest. The frequent mention about paying the many notaries who copied papal letters and other documents, afford a picture of almost feverish activity. Finally, we have a reference to a decapitated German traitor, HUGO DE BRANDESTAN, from whose possessions the above mentioned frater THOMASSUTIUS was, by the treasurer, assigned two gold florins on March 7, 1322.

Introitus et Exitus Camerae Tom. 50 fol. 28.

On left margin *Cruciata*

Right margin *Extractum est*

1321 Februarii 13—Septembris 30.

[*Anno*] Millesimo CCCXXI.

Pecunia data et soluta per supradictum dominum Hugonem thesaurarium in subsidium et pro favore predicationis Sancte Crucis contra hereticos.

Die XIII[a] mensis Februarii dictus dominus thesaurarius dedit et solvit magistro Johanni Frederici de Macerata notario fratris Laurencii inquisitoris pro expensis equitum et peditum, qui steterunt in Monteculi ad defensionem persone dicti inquisitoris, quando fatiebat processus contra Racanatenses et Auximanos de favore hereticorum, presentibus Johanne Juliani de Macerata et Jacobo Gentilis de Penna testibus, X lib. Raven

Die XXVI mensis Februarii dictus dominus thesaurarius dedit et solvit Manenti Pilliantre de Monteculi notario pro quibusdam instrumentis et scripturis pro offitio inquisitionis de heresi contra rebelles.

XXXII sol. Rav.

Die XXVI mensis Februarii solvit ser Fine de Aretio notario pro scripturis quorumdam processuum inquisitoris et privilegiorum inquisitoribus concessis per summos pontifices ad confuxionem (*sic*) rebellium XXX sol. Rav.

Dicta die dictus dominus Hugo thesaurarius dedit magistro Johanni notario inquisitoris pro cartis scribendis in honorem fidei contra hereticos et inquisitos de heresi XXX sol. Rav.

Summa XIIII[or] libr. XII sol.

Die X[a] mensis Aprilis dictus dominus thesaurarius dedit et solvit magistro Johanni notario domini inquisitoris pro expensis iudicum et advocatorum et hominum armatorum equitum et peditum, qui assisterunt fratri Laurentio de Mondayno inquisitori, quando stetit in Monteculi ad ferendam sententiam contra comitem Fredericum de heresi et contra alios fautores hereticorum. VIII flor. auri

Die dicta dictus dominus thesaurarius dedit et solvit Paulo de Sancta Victoria, Bastiano Buti, Contutio Mathey, Alexandrutio, Johanni Benedicti et Johanni Guillermi notariis pro scripturis multorum processuum et sententiarum inquisitoris factorum et factarum in publicam formam contra condempnatos de heresi de Auximo et Racanato et comitem Fredericum et fautores ipsorum, que transmisse fuerunt ad Romanam curiam. XII libr. Rav.

Die XV. mensis Aprilis dictus dominus thesaurarius dedit et solvit Lippo de Racanato mercatori pro cartis pecudinis, bambicinis, in quibus scripti fuerunt processus et sententie inquisitoris contra Auximanos et Racanatenses et comitem Fredericum et fautores ipsorum et contra communia Monticuli et Sancti Severini, qui appellaverunt ad Curiam Romanam et multi alii processus et papales littere contra Fanenses et alios decem libr. X libr.

Die XX mensis Aprilis dictus dominus thesaurarius dedit et solvit fratri Laurentio de Mondayno inquisitori heretice pravitatis pro quibusdam expensis factis per ipsum in persecutione condempnatorum de heresi de Auximo et Racanato in eundo et veniendo per mare et per terram de Arimino, Maceratam per Marchiam IX libr. VI sol. VI den.

Summa VIII flor. XXXI libr. VI sol. VI den.

Die dicta dictus dominus Hugo thesaurarius dedit et solvit duobus famulis, qui steterunt cum dicto domino inquisitore ad defensionem sue persone per duos menses scilicet Martii et Aprilis, ad rationem III libr. et X sol. in mense pro quolibet,

XV libr. Rav.

Die VI mensis Septembris dictus dominus thesaurarius dedit notario inquisitoris heretice pravitatis pro scribendo processus contra infideles et pro candelis XL sol. Rav.

Die ultima mensis Septembris dictus dominus thesaurarius dedit fratri Laurentio de Mondayno inquisitori pro subsidio expensarum ad confuxionem *(sic)* inimicorum fidei christiane X flor. auri.

Summa X flor.

XVII libr.

Summa summa [rum] Cruciate anni MIII^{c}XXI decem octo flor. sexagintaduas libr. decem octo sol. VI [den].

1322 Februarii 11—Septembris 15

Anno Domini Millesimo CCCXXII^{do}.

Die XI mensis Februarii dictus dominus Hugo thesaurarius dedit et solvit ser Paganello de Lucha notario et offitiali domini marchionis, qui ivit Romam et in Campaniam ad episcopos atque prelatos cum litteris papalibus super predicatione Crucis contra hereticos et patarenos de Racanato et Auximo pro expensis suis et satietatis sue pro III mensibus et duobus diebus. XXXI flor. auri.

Die XII^{a} dicti mensis dictus dominus thesaurarius dedit et solvit domino Francisco archipresbitero

Montis Vetularum pro se et uno sotio equite, qui ivit Venetias ad patriarcham Aquilanensem, pro uno mense et XV diebus, ad rationem X florenorum in mense pro quolibet, XXX flor. auri.

Dicta die dictus dominus thesaurarius dedit et solvit venerabili viro domino Guidoni de Pasano decretorum doctori pro se, uno notario et quinque hominibus armigeris, qui iverunt cum ipso in Tussiam et Maritimam cum dictis litteris papalibus ad predicandum Crucem et transmittendum gentem contra supradictos hereticos pro duobus mensibus LX flor. auri.

Die VII mensis Martii dictus dominus thesaurarius dedit et solvit fratri Thomassutio de Macerata et fratri Palmerio de Sancto Helpidio de ordine Minorum, ser Gratiano de Lucha et Paulo Goldesten Theotonico, qui iverunt in Alamaniam cum supradictis litteris papalibus ad predicandum crucem pro IIII^or^ mensibus, pro ipsorum expensis, ad rationem XII flor. in mense pro quolibet, CLXXXXII flor.

Item die ultima mensis Augusti dictus dominus thesaurarius dedit et solvit dictis fratribus et ser Gratiano pro uno mense et VIII diebus, quibus steterunt in dicta ambaxiata ultra dictos IIII^or^ menses, ad dictam rationem. XLV flor. auri.

Item die dicta dedit et solvit dicto fratri Thomassutio pro emenda unius ronçini, quem perdidit in dicto itinere propter nimium laborem VII flor. auri.

Summa III^c^ XXXIIII^or^ flor.

Die penultima mensis Marcii dictus dominus thesaurarius dedit et solvit Fatiolo et Corrado de

Camerino cursoribus, qui sequerentur predictos fratres et sotios per diversa itinera ubicumque per Alamaniam cum literris domini marchionis, ut non presentarent dictas litteras Crucis per Alamaniam, cum sit aliud ordinatum per dominum nostrum summum pontificem, vigintiquatuor florenos auri

XXIIII^{or} flor. auri.

Die dicta dictus dominus thesaurarius dedit et solvit fratri Guidoni de Lavictoria et magistro Guadambio de Alamandula, qui iverunt in regnum Sicilie et Apuleam cum dictis litteris papalibus super dicta predicatione Crucis pro IIII^{or} mensibus ad rationem X florenorum in mense pro quolibet, octuaginta flor. auri LXXX flor.

Dicta die dictus dominus thesaurarius dedit et solvit magistro Hermanno de Mevania notario domini marchionis, qui ivit cum similibus litteris ad dominos episcopos Perusinum et Tudertinum, tres flor. auri III flor. auri.

Die IX mensis Aprilis dictus dominus thesaurarius dedit et solvit Nicolao de Fabriano cursori, qui ivit Pisas ad dominum episcopum Ariminensem cum litteris domini marchionis super facto Crucis,

III flor. auri.

Die XVI Junii dictus dominus thesaurarius dedit Donato Billiocti de Florentia XV flor. auri, quos dederat in Florentia domino Guidono de Pasano, qui stabat in Tuscia ad predicandum Crucem, cum defecerit sibi pecunia, quindecim flor. auri

XV flor. auri.

Summa CXXV flor.

Die dicta dictus dominus thesaurarius dedit et solvit domino Francisco archiepiscopo Montis Vetu-

larum, qui ivit Bononiam ad comitem Romandiole cum litteris Crucis et pro decima sexennali de Romandiola, quindecim florenos auri XV flor.

Die dicta dictus dominus thesaurarius dedit et solvit quinque equitibus et tribus peditibus, qui iverunt cum domino Guidone de Pasano, quando fuit in Tussia ad predicandum Crucem contra Racanatenses et Auximanos, pro residuo et complemento omnium dierum, quibus steterunt cum dicto domino Guidone ad predicta, vigintiocto flor. auri, (de dicta die recesserunt predicti) XXVIII flor.

Die XIII mensis Septembris dictus dominus Hugo thesaurarius dedit et solvit fratri Guidoni de Lavictoria et magistro Jacobo de Ymola notario, qui iverunt in regnum[1]) ad aperiendum trunchos sive cippos factos in ecclesiis mandato domini nostri summi pontificis et ad notificandum etiam, quomodo heretici occupaverunt Auximum, quindecim flor. XV flor. auri.

Die XV mensis Septembris dictus dominus Hugo thesaurarius dedit et solvit domino Guidoni de Pasano pro expensis et quinque suorum sotiorum equitum, qui iverunt in Tussiam ad aperiendum trunchos et notificandum prelatis, quod heretici receptant se in Auximo, ut procurent gentes venire, quindecim flor. auri XV flor. auri.

Summa LXXIII flor.

Item die prima mensis Februarii dictus dominus

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[1]) From May 15, 1322, until March 15, 1324, there were received a total of eight hundred and fifty-six gold florins, twelve soldi *de indulgentia et venia concessa in regno Cecilie et citra Farum contra rebelles hereticos Marchie Anconitane. Introitus et Exitus Camerae Tom, 62 fol. 90r.*

thesaurarius dedit magistro Bastiano Buti de Macerata notario, qui transcripsit privilegia papalia super predicatione Crucis[1]), tres florenos auri, quorum privilegiorum copie fuerunt misse ad multa loca, tres flor. III flor.

Die dicta dedit Homodeo Porci notario de Macerata pro copiis[1]), quas fecit de dictis privilegiis, que misse fuerunt extra Marchiam, tres florenos III flor. auri.

Dicta die dictus dominus thesaurarius dedit et solvit magistro Stephano de Monticulo notario pro scripturis[1]) factis per ipsum dicta de causa tres florenos auri III flor.

Die XII[a] mensis Februarii dictus dominus thesaurarius dedit et solvit Duranti de Mondayno et sotio suo, qui stabant ad defensionem persone fratris Laurentii inquisitoris, dum procedebat contra hereticos et eorum fautores pro duobus mensibus, scilicet pro mense Januarii preterito et mense Februarii presente, ad rationem duorum florenorum in mense, pro quolibet octo florenos auri, VIII flor. auri.

Die XIIII dicti mensis dedit magistro Stephano de Monticulo notario[1]), qui copiavit litteras predicationis Crucis contra Racanatenses et Auximanos et Fredericum de Monte Feretro et commissiones episcoporum pro cippis et trunchis fiendis in ecclesiis tres florenos III flor. auri.

Die dicta dedit magistro Paulo de Sancta Victoria notario pro multis litteris patentibus scriptis in cartis de corio et aliis litteris secretis[1]) missis per dominum marchionem ad rectores Ducatus, Patrimonii,

[1]) On the margin the word *nota*.

Campanie et Vicariatus Urbis super facto Crucis duos flor. auri II flor. auri.

Summa XXII flor.

Die XX mensis Februarii dictus dominus thesaurarius dedit et solvit Johanni Juliani et Homodeo Porcis notario de Macerata pro copiis et transumptis factis per ipsos de privilegiis papalibus habitis super predicatione Crucis quatuor florenos auri IIII^{or} flor.

†Die dicta dedit Lippo de Racanato mercatori pro cartis pecudinis [1]), in quibus facte fuerunt scripture super predicatione Crucis, VI libr.

Die secunda Martii dedit Johanni Juliani de Macerata notario pro scripturis factis per ipsum in servitio Ecclesie pro copiando privilegia Crucis duos florenos auri II flor.

Die dicta dedit magistro Johanni notario inquisitoris pro cartis [2]) emptis per ipsum, in quibus scripsit processus factos contra hereticos et ipsorum fautores, quadraginta sol. XL sol.

Die secunda mensis Martii dictus dominus thesaurarius dedit et solvit notariis, qui fecerunt copias privilegiorum Crucis contra hereticos, missas per Marchiam ad dominos episcopos et prelatos [3]) de dicta provintia, ut deberent populis nuntiare, duodecim flor, auri XII flor.

Alexandrutio de Macerata
Raynaldutio de dicto loco
Oliverio Toldini
Paulo de Sancta Victoria
Johanni Benedicti et
Bastiano Buti

[1]) On the margin *carta.*
[2]) On the margin *carta.*
[3]) On the margin *nota.*

Die dicta[1]) dictus dominus thesaurarius dedit Lippo de Racanato mercatori pro cartis[2]), in quibus fuerunt scripte dicte copie, III libr.

Die VII mensis Martii dictus dominus Hugo thesaurarius dedit e solvit fratri Thomassutio de bonis Hugonis de Brandestan Theotonico, cui fuit capud *(sic)* amputatum propter proditionem, duos florenos auri II flor.

Die penultima mensis Martii dictus dominus thesaurarius dedit et solvit Arnaldo Trincaleonis cursori, qui ivit Pisas cum litteris Crucis, tres florenos III flor.

Die V mensis Maii dictus dominus thesaurarius dedit et solvit Guillermo Vassalli domicello domini marchionis, qui ivit ad portum Firmanum cum pluribus suis sotiis equitibus ad prosequendum hereticos pro expensis quatuor flor. auri, IIII^{or} flor.

Summa XXVII flor. et XI libr.

Summa summarum Cruciate in MIII^{c}XXII^{do} sexcentos duodecim flor. et undecim libr.

Summatum est et abstractum.

Generalis summa summarum Cruciate annorum suprascriptorum sexcensos triginta flor. et septuagintatres libr. decemocto sol. sex den.

Vera est.

De quibus fuerunt solute notariis pro scripturis et labore XXVII libr. XII sol. et XL flor.

The treasurer is at the beginning of the volume given the following title:

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[1]) On the margin: *credo, quod istud sit computatum supra eadem pagina in tali signo*†

[2]) On the margin *carta.*

Hugo Bonis Cenomanen. et Vulteranen. ecclesiarum canonicus, Marchie Anconitane, Masse Trabarie, Terrarum Sancte Agathe, civitatis Urbin. et comitatus olim ipsius thesaurarius per Sanctam Romanam Ecclesiam generalis.

3.

Pope BENEDICT XII. orders the Bishop of St. Brieuc, GUIDO DE MONTFORT, to again admit the priest GUILELMUS NICOV to sacerdotal service, the suspension of six months imposed upon him having expired. GUILELMUS, at the command of a priest, who had formerly been his teacher, had, when a deacon, heard the latter's confession and had later received Holy Orders without first seeking absolution.

Reg. Aven. Tom. 48 fol. 258r cap. CCCCLXXVII. Reg. Vat. Tom. 119 cap. 477.

On left margin *S.*

On top to the right $\frac{X}{X}$

Avenione 1335 Junii 8

Venerabili fratri .. episcopo Briocen. salutem. Petitio dilecti filii Guillermi Nicov presbiteri tue diocesis nobis exhibita continebat, quod ipse dudum tunc in annis iuvenilibus constitutus ac diaconus existens, de mandato cuiusdam presbiteri tunc celebrare volentis, qui antea ipsius Guillermi magister fuerat, confessionem ipsius presbiteri tanquam simplex et iuris ignarus audivit et eidem presbitero beneficium absolutionis impendit, non credens ex hoc excedere in aliquo vel peccare; et quod ipse postmodum, dispensatione aliqua super hoc non obtenta, ordinem presbiteratus, alias tamen rite, recepit et in ipso, et ut prius in aliis suis ordinibus, ministravit

et alias immiscuit se divinis. Quare idem Guillermus nobis humiliter supplicavit, ut providere sibi in hac parte de oportune dispensationis beneficio misericorditer dignaremur. Nos igitur simplicitati dicti Guillermi presbiteri in hac parte clementer ignoscere intendentes, eius supplicationibus inclinati, fraternitati tue, de qua in hiis et aliis fiduciam gerimus in Domino specialem, per apostolica scripta committimus et mandamus, quatinus, si est ita, cum dicto Guillermo presbitero, ut in predictis sic susceptis ordinibus ministrare possit, auctoritate nostra dispenses, ipsum tamen per semestre tempus ab executione ordinum suspendendo ac imponendo eidem penitentiam salutarem et alia que de iure fuerint iniungenda.

Datum Avinion. VI idus Junii anno de *(sic)* primo.

Vidal, Benoit XII, (1334-1342). Lettres communes analysées d'après les Registres dits d'Avignon et du Vatican. Paris Fontemoing 1903 ss. cap. 2115.

4.

Pope BENEDICT XII. commissions the Archbishop of Rouen, PETRUS ROGER, to absolve his diocesan priest, GUILELMUS LEROY, after imposing befitting penance. The latter, when only a deacon, had heard the confession of a priest (at the latter's behest), absolved him, and imposed penance. This priest had expressly assured the deacon: *quod peccatum totum supra se retinere volebat.* As a mitigating circumstance it is mentioned that the priest was obliged to say Mass and another priest was not about.

The petitioner was for six months to be suspended *ab executione suorum ordinum,* then to be reinstated in the full exercise of his office.

Reg. Vat. Tom. 120 cap. DCCLXXVI.

Avenione 1335 Junii 9.

Venerabili fratri..archiepiscopo Rothomagen. salutem et cetera.

Petitio dilecti filii Guillermi Leroy presbiteri tue diocesis nobis exhibita continebat, quod ipse olim in diaconatus ordine constitutus, quemdam presbiterum de mandato, consensu et voluntate ipsius, asserentis, quod idem Guillermus ipsum absolvere poterat et penitentiam sibi iniungere pro commissis, et dicentis, quod peccatum totum supra se retinere volebat, tamquam simplex et iuris ignarus non credens peccare in aliquo, et quia etiam in villa, ubi tunc existebant, non erat presbiter aliquis, qui ipsum presbiterum absolvere posset, et ipsum oportebat neccessario *(sic)* celebrare, presbiterum absolvit eundem et pro modo culpe penitentiam sibi iniunsit *(sic)*. Quare prefatus Guillermus nobis humiliter supplicavit, ut providere sibi super hiis de oportuno remedio misericorditer dignaremur Nos igitur ipsius Guillermi supplicationibus inclinati, fraternitati tue, de qua plenum in Domino fiduciam obtinemus, per apostolica scripta mandamus, quatinus, si est ita, ipso Guillermo, prius per medium annum ab executione suorum ordinum suspenso, cum eo, ut premissis nequaquam obstantibus, in susceptis ordinibus valeat ministrare, auctoritate nostra dispenses, iniuncta sibi super hoc penitentia salutari.

Dat. Avinion. VI idus Junii anno primo.

Vidal, Benoit XII, cap. 2121.

5.

Pope BENEDICT XII. directs the Grand Penitentiary, Cardinal GAUCELMUS, Bishop of Albano, to absolve the priest ADAM SELE DE ALDEPORTE, of the diocese of Lichfield, after imposing befitting penance. As deacon the latter had baptized two boys, one of whom was dying; had also interred a deceased person, and administered the Sacrament of Extreme Unction to a woman at the request of a priest who told him that he could do so by reason of his *ordo*. Without thought of these happenings ADAM subsequently received ordination and performed priestly functions. His offence having now been made clear to him, he implored the Holy See for absolution, which was granted him on the condition that, until further orders, he could in future only ministrate *in minoribus, subdiaconatu et diaconatu,* and had to enter one of the recognized orders. Despite much endeavor he was unable to comply with the latter condition, on account of advanced age, and he turned once more to the Curia for release from this obligation. For various reasons this was granted, and he was reinstated in the priestly office.

Reg. Vat. Tom. 120 cap. DCCCXXIII.

Avenione 1335 Octobris 18

Venerabili fratri..Gaucelmo episcopo Albanen. salutem et cetera.

Ignoscit Sancta Mater Ecclesia.

Lecte siquidem nobis dilecti filii Ade Sele de Aldeporte presbiteri Licefelden. diocesis in nostra presentia constituti petitionis series continebat, quod ipse dudum existens diaconus duos pueros battica-

cavit, quorum unus in mortis articulo existebat, et unum etiam mortuum sepelivit, ac uni mulieri extremam unctionem ministravit de precepto cuiusdam presbiteri sibi dicentis, quod ei ex officio licebat hoc efficere ac debebat. Et postmodum, nec formans ex inde sibi conscientiam promotus ad sacerdotium sacra missarum misteria celebravit et alias immiscuit se divinis et tamquam simplex et iuris ignarus, non tamen in contemptum clavium, in sacerdotali ordine ministravit. Tandem vero apertis negligentie oculis per prudentes melius informatus, cum sedem apostolicam super premissis consulere curavisset, sedes ipsa super eis cum ipso in forma solita dispensavit, videlicet quod in minoribus, subdiaconatus et diaconatus ministrare posset ordinibus, interdicta sibi executione sacerdotalis ordinis antedicti, quousque a sede ipsa uberiorem mereretur gratiam obtinere, nisi aliquam religionem intraret de ordinibus approbatis. Et licet predictus presbiter temptasset ac institisset omnibus viis et modis, quibus potuit, per unum annum et amplius, ut aliquam de dictis religionibus intrare valeret, tamen propter nimiam senectutem, qua premitur, non invenit, qui eum vellet in aliquam religionum recipere predictarum. Verumtamen per huiusmodi tempus non ministravit in sacerdotali ordine prelibato. Quare nobis idem presbiter humiliter supplicavit, ut, cum omnino delictum huiusmodi occultum existat, nec sit de illo scandalum aliquale, nos consideratis angustiis suis per tempus, quo non ministravit in eodem sacerdotali ordine, gravibusque ipsius laboribus, quos pro expeditione predictorum pertulit, nunc et alias ad Romanam Curiam personaliter

veniendo, providere in hac parte sibi de oportune dispensationis gratia misericorditer dignaremur *etc.* fraternitati tue *etc.* mandamus, quatinus in eiusdem presbiteri consolationis affectum *etc.* super irregularitate *etc.* et super executione sacerdotalis ordinis memorati dispenses auctoritate apostolica miseranter, iniuncta ei propterea penitentia congrua, prout conspexeris expedire.

Dat. Avinion. XV kal. Novembris anno primo.

Vidal, Benoit XII, cap. 2132.

Bliss, Papal Letters Tom. II pag. 528.

6.

Pope BENEDICT XII. charges the Bishop of Cahors, BERTRANDUS DE CARDAILLAC, to absolve the monk HUGO DE SCUDREUS, after imposing proper penance. The latter had, as deacon—which he still is,—without evil intent, heard the confession of a priest who wanted to say Mass and absolved him *in quantum potuit.* Responding to his petition the Bishop was to suspend him for six months from his *ordo,* but to permit him afterwards to receive Holy Orders.

Reg. Vat. Tom. 120 cap. DCCCXXXVI.

Avenione 1335 Octobris 18.

Venerabili fratri..episcopo Caturcen. salutem et cetera.

Petitio pro parte dilecti filii Hugonis de Soudreus monachi monasterii Moysiacen. Cluniacen. ordinis tue diocesis nobis exhibita continebat, quod ipse olim tunc sicut et adhuc in diaconatus ordine constitutus non ex malitia, sed tanquam simplex et iuris ignarus in aliquo errare non credens, cuiusdam presbiteri, missam in quadam ecclesia celebrare vo-

lentis, per eum super hoc requisitus, confessionem audivit sibique, in quantum potuit, beneficium absolutionis impendit. Quare pro parte dicti Hugonis nobis extitit humiliter supplicatum, ut providere sibi super hoc de oportune dispensationis beneficio misericorditer dignaremur. Nos itaque volentes *etc.* mandamus, quatinus, si est ita, cum eodem Hugone, per te prius per sex menses ipso ab ordinum susceptorum executione suspenso, cum eo super irregularitate *etc.* et quod elapsis dictis sex mensibus possit in presbiterum licite promoveri *etc.* dispenses, iniungens ei penitentiam salutarem *etc.*

Datum Avinion. XV kal. Novembris anno primo.

Vidal, Benoit XII, cap. 2134.

7. 8.

Pope BENEDICT XII. commissions the Bishop of St. Lizier, RAIMUNDUS MONTAIGU, to absolve the two diocesan priests, BARTHOLOMEW DE VIRIDARIO and JOHANNES BARTA, after imposing suitable penance. Each, as deacon, had heard a priest's confession, and absolved as far as in his power. Afterward they had been ordained to the priesthood, and had exercised their office. After the Bishop shall have suspended them for six months from their *ordo,* they are to be re-admitted to the exercise of the same.

Reg. Vat. Tom. 119 cap. DCCCCLIII.

Avenione 1335 Octobris 18.

Venerabili fratri. . episcopo Conseranen. salutem.

Exhibita nobis dilecti filii Bartholomei de Viridario presbiteri tue diocesis petitio continebat, quod olim ipse tunc in diaconatus dumtaxat ordine consti-

tutus, per simplicitatem et iuris ignorantiam cuiusdam presbiteri confessionem audivit et eundem presbiterum a peccatis sibi confessis, in quantum potuit, absolvit, sibi pro eis penitentiam iniungendo; ac de inde se fecit, alias tamen rite, ad presbiteratus ordines promoveri et in eisdem ordinibus ministravit et alias immiscuit se divinis, dispensatione aliqua super hoc non obtenta. Quare, cum idem Bartholomeus presbiter, sicut asserit, super hiis habeat conscientiam remordentem, nobis humiliter supplicavit, ut providere sibi super hiis de benignitate apostolica dignaremur. Nos itaque *etc.* quatinus, si est ita, eodem Bartholomeo, primo ab executione huiusmodi ordinem per dimidium annum auctoritate nostra per te suspenso, ipsum a predictis excessibus auctoritate predicta iuxta ecclesie formam absolvas et cum eo super irregularitate inde contracta eadem auctoritate dispenses, iniuncta sibi penitentia salutari et aliis que de iure fuerint iniungenda.

Dat. Avinion. XV kal. Novembris anno primo.

Ibidem cap. DCCCCLIIII.

Avenione 1335 Octobris 18

Eidem episcopo salutem.

Exhibita nobis dilecti.

Dat. Avinion. XV kal. Novembris anno primo.

De eodem in persona Johannis Barta presbiteri Conseranen.

Vidal, Benoit XII, capp. 2135, 2136.

9.

Benedict XII. commissions the Bishop of Mende, Albertus Lordeti, to suspend from service for three months the acolyte Petrus Pelliparii, after which he was to have permission to advance to the

higher orders. PETRUS had heard a priest's confession without supposing that he was doing something wrong. Later he had himself absolved in Rome by one of the Penitentiaries.

Reg. Aven, Tom. 50 fol. 374r.
Reg. Vat. Tom. 122 cap. 525.

On top to the right *Gratis*

Avenione 1336 Februarii 10

Venerabili fratri episcopo Mimaten, salutem et cetera[1]).

Petitio dilecti filii Petri-Pelliparii acoliti tue diocesis nobis exhibita continebat, quod olim ipse existens, ut credit, acolitus tamquam simplex et iuris ignarus, non credens peccare, cuiusdam sacerdotis celebrare volentis generalem confessionem audivit et cum absolvit, eidem penitenciam iniungendo; et postmodum per alterius prudentiam intellecto quod male egerat, et quod ad ulteriores ordines absque dispensatione apostolica ascendere non valebat, sedem apostolicam adiens[2]) per unum de penitenciariis nostris ab excessu huiusmodi extitit absolutus. Quare dictus Petrus nobis humiliter supplicavit, ut cum eo, quod premissis nequaquam obstantibus ad omnes superiores ordines promoveri et in eis licite ministrare valeat, dispensare misericorditer dignaremur. Nos igitur eius supplicationibus inclinati fraternitati tue, de qua plenam in Domino fiduciam obtinemus, per apostolica scripta mandamus, quatinus, si est ita, prefato Petro per tres menses a suorum ordinum executione suspenso,

[1]) *Apostolicam benedictionem* is crossed out and *cetera* has been substituted.

[2]) Corrected upon the margin.

super premissis auctoritate nostra dispenses misericorditer cum eodem.

Datum Avinion. IIII id. Februarii anno secundo.

Vidal, Benoit XII, cap. 3596.

10.

Pope BENEDICT XII. orders his Grand Penitentiary, GAUCELMUS, Bishop of Albano, to absolve the priest RADULPHUS GAUREL, of the diocese of St. Malo, after a suspension of six months and imposition of suitable penance. RADULPHUS later was to be allowed to obtain a benefice. The latter had, while a deacon, at the solicitation of a priest and because there was no other priest there, heard the confession of this priest and absolved him, having been told that he could do so. He had subsequently received Holy Orders, without first having been absolved.

Reg. Aven. Tom. 50 fol. 380v.

Reg. Vat. Tom. 122 cap. 540.

Over the document *Gratis*

Avenione 1336 Maii 8

Venerabili fratri Gaucelmo episcopo Albanen. penitentiarie nostre curam gerenti salutem et cetera.

Exhibita nobis dilecti filii Radulphi Gaurel presbiteri Maclovien diocesis apud sedem apostolicam constituti petitio continebat, quod ipse olim tunc in diaconatus dum taxat ordine constitutus, tanquam simplex et iuris ignarus, cuiusdam presbiteri missam celebrare volentis, nec habentis cui peccata sua confiteri posset, ad requisitionem ipsius presbiteri dicto Radulpho dicentis, quod hoc facere poterat et ei licebat, confessionem audivit, in hoc peccare non

credens, et quod ipse dubitat, licet non recordetur plene, ipsum presbiterum a peccatis sibi confessis absolvisse de facto; quodque ipse Radulphus deinde, alias rite, ad presbiteratus ordinem promoveri *(sic)* et in eisdem sic susceptis ordinibus ministravit, dispensatione super hoc aliqua non obtenta. Quare idem Radulphus nobis humiliter supplicavit, ut providere ei super hoc de oportuno remedio de benignitate apostolica misericorditer dignaremur. Nos itaque huiusmodi supplicationibus inclinati fraternitati tue per apostolica scripta committimus et mandamus, quatinus eodem Radulpho, prius ab executione huiusmodi ordinum per dimidium annum auctoritate nostra per te suspenso, cum eo super premissis, et quod ipse possit beneficium ecclesiasticum obtinere, eadem auctoritate dispenses, iniunctis sibi penitentia salutari et aliis que de iure fuerint iniungenda.

Dat. Avinion. VIII id. Maii anno secundo.

Vidal, Benoit XII, cap. 3607.

II.

Pope Benedict XII. commands the Archbishop of Genoa, Jacobus de Sancta Victoria, to investigate the petition of a (united) Armenian, and to allow it if the circumstances therein described could be verified. Petrus Armenus de Maiori Armenia Oriundus had from his youth preached the true faith in his country, under difficulty and deprivations, and had been ordained priest according to the Armenian rite. Coming to the Curia two years ago he had been re-baptized conditionally, believing that in his country he had possibly not been *veracitur baptizatus*. He petitions to be given

Confirmation and Holy Orders, under observation of all precepts. The Archbishop of Genoa is entrusted with the matter because PETRUS has taken up his residence there.

Reg. Vat. Tom. 125 cap. CCCXLIII.

Avenione 1338 Junii 8

Venerabili fratri..archiepiscopo Januen. salutem etc.

Accedens ad apostolicam sedem Petrus Armenus de Maiori Armenia oriundus lator presentium nobis exposuit, quod ipse dudum secundum ritum Armenorum extitit in presbiterum ordinatus et quod a iuventute sua per triginta annos et amplius inter fideles Armenos et inter alios scismaticos veritatem fidei et Ecclesie predicavit et multas contumelias ab emulis christianorum patienter recepit et a duobus annis citra de dicta Maiori Armenia recessit et ad Romanam Curiam non sine magnis laboribus et periculis se duxit personaliter conferendum. Et quia dubitabat, an in partibus suis fuisset in forma Ecclesie veraciter baptizatus, in dicta Curia secundum ritum et formam eiusdem Ecclesie conditionaliter recepit baptismatis sacramentum, videlicet: *Si non es baptizatus, ego te baptizo in nomine Patris et Filii et Spiritus Sancti.* Quare nobis humiliter supplicavit, ut sibi, quod sacramentum confirmationis recipere et quod etiam possit ab aliquo catholico antistite gratiam et communionem apostolice sedis habente ad omnes minores et etiam sacros ordines secundum formam Ecclesie statutis a iure temporibus promoveri, licentiam concedere dignaremur.

Nos igitur eius supplicationibus inclinati, fraterni-

tati tue per apostolica scripta committimus et mandamus, quatinus eidem Petro Armeno, qui in civitate Januen. perpetuam se elegisse asserit mansionem, dummodo sit catholicus et in communione Sancte Romane Ecclesie perseveret, postulata concedas, prout saluti anime sue videris expedire.

Dat. Avinion. VI idus Junii anno quarto.

Reg. Aven. Tom. 52 fol. 11r. only the Regest is found; the document itself is missing.

Vidal, Benoit XII, cap. 6297.

About matter and form of the Armenian baptism is to be compared the great memorial in *Reg. Vat. Tom.* 62 *fol. Cr.,* executed at that time, and which is copied only in part and not quite correctly in the *Annals* of *Raynaldus ad annum* 1341 §§ 66-68.

12.

Pope Benedict XII. directs the Vicar General of Rome, John, Bishop of Anagni, to arrest a certain Athanasius, who, calling himself Bishop of Feretschik, was roving in the vicinity of Rome. He is then to report and await the Pope's instructions. It had been established through witnesses, that Athanasius, who made use of forged papal Bulls, oppressed the Catholic Armenians, and attempted to win them over to his heretical teachings; for this reason he was to be rendered harmless.

Reg. Aven. Tom. 85 fol. 121r. cap. LVI.

Reg. Vat. Tom. 126 fol. 15v. cap. LVI.

At the top to the right *De Curia*

Avenione 1338 Novembris 4

Venerabili fratri Johanni episcopo Anagnin. nostro in spiritualibus in Urbe vicario salutem. Pridem ad audientiam nostram deducto, quod

Athanasius, se fatiens Verien. episcopum nominari in Romanis partibus moram trahens, nonnullos errores contra fidem catholicam dogmatizabat, ac quibusdam falsis litteris et privilegiis apostolicis, falso sub quorumdam Romanorum pontificum nomine fabricatis, uti seu verius abuti temere presumebat; et quod Armenos catholicos, tenentes quod tenet, et credentes quod credit Sancta Romana Ecclesia mater cunctorum fidelium et magistra, diversis persecutionibus affligebat, baptizatos quoque secundum formam eiusdem Ecclesie abhominabatur, et asserebat seu vocabat renegatos, eosque per personarum captionem, incarcerationem aliaque flagella variasque persecutiones retrahere nitebatur a devotione et fide ciusdem Ecclesie et ad pristinos errores et perfidiam, quibus idem Athanasius imbutus esse creditur, resumendos, dampnabiliter revocare. Nos de hiis informari volentes, super premissis nonnullos viros catholicos [apud sedem] apostolicam constitutos examinari fecimus diligenter; et quia per depositiones eorum comperimus, prefatum Athanasium premissis culpis fore respersum, ne, quod absit, idem Athanasius simplitium corda depravet eosque pertrahat ad infidelitatis errores, fraternitati tue per apostolica scripta committimus et mandamus, quatinus receptis presentibus eundem Athanasium auctoritate nostra capias seu capi fatias et carceri mancipari et in eo sub cauta diligentia custodiri, donec nos super hiis per tuas litteras informati, id quod per te in hac parte ulterius agendum fuerit, tibi per nostras litteras rescribamus.

Dat. Avinion. II non. Novembris anno quarto.

Vidal, Benoit XII, cap. 6430.

Eubel, Hierarchia, Tom. I pag. 553.

13.

Pope BENEDICT XII. commissions the Bishop of Padua, HILDEBRANDINUS CONTI, to apprehend the alleged Archbishop of Jerusalem and Nazareth, PETRUS ARMENUS, who has rendered himself guilty of the same things mentioned in No. 12 about ATHANASIUS. He is to send in his report and await the Pope's instructions.

Reg. Aven. Tom. 85 fol. 121r. cap. LVIII
Reg. Vat. Tom. 126 fol. 15v. cap. LVIII.

At the top to the right *De Curia*

Avenione 1338 Novembris 4

Venerabili fratri..episcopo Paduan. salutem.

Pridem ad audientiam nostram deducto, quod Petrus, qui se nominat archiepiscopum Jerusalem et Nazareth in Paduan. partibus moram trahens et cetera ut in secunda superiori usque: perfidiam, quibus idem Petrus imbutus et cetera usque: comperimus, prefatum Petrum premissis culpis fore respersum, ne, quod absit, idem Petrus simplitium corda et cetera [usque:] receptis presentibus eundem Petrum auctoritate nostra et cetera usque in finem.

Dat. Avinion. II non. Novembris anno quarto.

14.

Pope BENEDICT XII. directs the Bishop of Florence, PHILIPPUS, to imprison one EZECHIEL, who represents himself as the Vicar of PETRUS ARMENUS, the so-called Archbishop of Jerusalem and Nazareth, and guilty of the same offences as the latter. The Bishop shall report and then await the Pope's instructions.

Reg. Aven. Tom. 85 cap. LVII fol. 121r.
Reg. Vat. Tom. 126 fol. 15v. cap. LVII.

At the top to the right *De Curia*

Avenione 1338 Novembris 4

Venerabili fratri..episcopo Florentin. salutem.

Pridem ad audientiam nostram deducto, quod Ezechiel, qui se dicit vicarium Petri Armeni asserentis, se fore archiepiscopum Jerosolimitan. et Nazareth, in Florentin. partibus moram trahens etc. ut in proxima superiori usque ad: perfidiam, quibus idem Ezechiel imbutus etc. usque: comperimus, prefatum Ezechielem premissis culpis fore respersum, ne, quod absit, idem Ezechiel simplitium corda depravet etc. usque: receptis presentibus eundem Ezechielem auctoritate nostra etc. usque in finem.

Dat. Avinion. II non. Novembris anno quarto.

Vidal, Benoit XII, cap. 6431.

15.

Final account of the former Inquisitor in Toscana, FRANCISCUS MACHARELLI OMIN: showing that the chamber was entitled to 258 gold florins, which are now remitted.

Introitus et Exitus Camerae Tom. 170, fol. 20r.

1338 Novembris 19

Die XIX Novembris cum religiosus vir frater Franciscus Macharelli ordinis fratrum Minorum olim inquisitor in provincia beati Francisci per finem computorum suorum per ipsum camere apostolice redditorum de administratis et receptis per ipsum in officio inquisitionis prefate remansisset dicte camere obligatus in II LVIII flor. auri, idem Franciscus dictos II LVIII flor. per manus Mace-

relli de Assisio, Bartholi Philippi et Marchonis Daviz campsorum de Florentia camere assignavit et solvit IIᶜLVIII flor.

16.

Pope CLEMENT VI., at the petition of the Toulouse Inquisitor, PETRUS GUIDONIS, orders that the Provincial prior of the Dominicans in France, in his right to nominate the Toulouse Inquisitor, shall in future nominate the person named by the provincial prior of Toulouse; the prior of Toulouse may also himself be nominated. He proceeds to grant to the petitioner the nomination of two notaries to the Inquisition, as proposed by the petitioner.

Reg. Supplic. Tom. 1 fol. $\frac{XX}{IXv}$

On the left margin to both petitions *extra*

Apud Villam Novam 1342 Septembris 7

Supplicat Sanctitatem Vestram devotus filius vester frater Petrus Guidonis inquisitor Tholosanus, quatinus ad instar felicis recordationis domini Johannis pape XXII dignemini precipiendo mandare priori provinciali ordinis Predicatorum in Francia qui nunc est vel erit pro tempore, cui ex indulto apostolico incumbit, sex fratres eiusdem ordinis inquisitores in regno Francie deputare, quatinus de cetero, quociens expedierit inquisitorem ponere in Tholosa, aliquem de fratribus nominatis per priorem provincialem eiusdem ordinis Tholosanum qui erit pro tempore, iuxta tenorem indulti memorati domini Johannis teneatur in Tholosa atque regno Francie inquisitorem deputare; et quod addatur in rescripto per Sanctitatem Vestram reformando ac innovando:

seu de persona ipsius prioris provincialis Tholosani, si tibi magis utilis ac ydoneus pro officio fidei videatur.

Addatur in indulto apostolico, quod eciam provincialis ipse Tholosanus possit assumi. Fiat R.

Item supplicat Sanctitatem Vestram, quatinus cum officium inquisitionis non valeat exequi sine auctoritate notariorum, quod dignemini gerenti vices vestri vicecancellarii imponere et mandare, ut duos clericos aptos ad hoc et ydoneos per eundem inquisitorem sibi presentatos habeat ad huiusmodi tabellionatus officium auctoritate vestra deputare.

Fiat R.

Et quod transeant sine alia lectione. Fiat R.

Dat. apud Villamnovam Avinion. dyocesis VII idus Septembris anno primo.

17.

Pope CLEMENT VI. directs that the frater JOHANNES ARMENUS DE MAIORI ARMENIA, may further exercise his priestly office, *non obstante rebaptizatione sub conditione facta.* Frater JOHANNES had, under BENEDICT XII., been conditionally re-baptized, because the commissary charged with investigating the matter had believed wrongly that the baptismal form used was invalid. The Friar having heard from the lips of the late Pope that the form actually had been valid, he had proceeded without further ceremony to exercise his priestly functions. Now he had scruples about it and for this reason presented his petition to CLEMENT VI.

Reg. Supplic. Tom. 1 fol. $\frac{XX}{XI\ XIXr}$

On the left margin *extra*

Avenione 1342 Octobris 2

Significat S. V. devotus et humilis vester orator frater Johannes Armenus de Maiori Armenia, quod tempore felicis recordationis domini B[*enedicti*] pape XII predecessoris vestri in partibus Tuscie in suo loco et conventu existens, a sociis fratris Nerces archiepiscopi Magnazguerden, audivit, quod dictus dominus papa mandaverat, quod omnes fratres Armeni deberent rebaptizari, alioquin tamquam heretici caperentur. Qua de causa dictus frater Johannes tamquam Sancte Ecclesie Romane et Sanctitatis domini nostri pape fidelis servus obediens filius ad Romanam Curiam accessit, et cum fuisset ad presentiam domini abbatis condam de Pina ductus, ac per eundem dominum abbatem interrogatus, qua forma fuerit primitus baptizatus, ipse respondit sic: *Johannes servus Christi veniens ad cathecummitatem (sic) ad baptismum baptizetur in nomine Patris et Filii et Spiritus Sancti etc.* Tunc dictus dominus abbas dixit, quod illa verba essent forma Grecorum et etiam Romani talem formam non admictebant. Et dictus dominus abbas dictum fratrem Johannem sub conditione baptizavit. Postmodum vero dictus frater Johannes ab ore dicti domini pape audivit, quod dicit, quod dicta forma valebat ad verum baptismum; idcirco idem frater Johannes nullo sacro ordine resumpto ad peregrinationem ivit et in nonnullis locis missas celebravit. Deinde penitentia ductus ac conscientia morso *(sic)* ad pedes Vestre Beatitudinis venit. Quare supplicat humiliter et devote S. V., quatinus intuitu pietatis et amore Yhesu Christi dignemini de salutari remedio misericorditer providere.

Fiat et ministret in susceptis rite ordinatus, non obstante dicta rebaptizatione sub condictione facta. R.

Et quod transeat sine alia lectione. Fiat R.

Dat. Avinion. VI non. Octobris anno primo.

The baptismal form above referred to is not mentioned in the memorial concerning the Armenian fallacies (Reg. Vat. Tom. 62 fol Cr. in Raynaldus ad annum 1341), because perfectly valid.

18.

Pope CLEMENT VI., on the motion of ROSTAGNUS, the General Procurator of the Dominicans at the Curia, appoints ARNAUDUS MANDAVINI, the prior of the Dominican Convent of Angoulême, to be Inquisitor of Poitiers and the province of Tours, in place of the deceased Master of Theology, JOHANNES AINFREDI OPraed. He may exercise all the powers of his predecessor to the same extent. The Pope expressly recognizes: *quod ex commissione huiusmodi nullum ex hoc ordini vel illis ad quos spectat ex indultis privilegiis providere, praeiudicium generetur.* To the grant is added the condition that the candidate *ad relationem cardinalis* GERARDI GUARDIA OPraed, *tituli Sanctae Sabinae et aliorum de ordine ad hoc fuerit sufficiens reputatus. Reg. Supplic. Tom. 2 fol. LXIIr.*

Apud Villam Novam 1343 Februarii 27

Supplicat Sanctitatem Vestram devotus et humilis orator vester frater Rostagnus procurator generalis ordinis fratrum Predicatorum in Curia, quod cum post obitum fratris Johannis Ainfredi magistri in theologia et inquisitoris quondam Pictavie et provincie Turonen. non sit provisum de in-

quisitore, qui in illis partibus debeat inquisitionis officium exercere, quatinus dignemini de dicto officio providere fratri Arnandi Mandavini priori eiusdem ordinis in conventu Engolismen., ut predictus frater Arnandus possit auctoritate Sanctitatis Vestre antedictum officium in locis, terris et provinciis exercere, in quibus dictus quondam frater Johannes Ainfredi et sui predecessores ipsum inquisitionis officium exercebant aut poterant vel consueverant exercere secundum privilegia indulta a sede apostolica inquisitoribus eiusdem ordinis in terris et provinciis antedictis; adhicientes si S. V. placuerit, quod ex commissione huiusmodi nullum ex hoc preiudicium ordini vel illis, ad quos spectat, ex indultis privilegiis providere, preiudicium generetur, cum non obstantibus et clausulis oportunis.

Fiat cum ad relationem cardinalis Sancte Sabine et aliorum de ordine ad hoc fuerit sufficiens reputatus. R.

Et quod transeat sine alia lectione. Fiat R.

Dat. apud Villamnovam Avinion. diocesis II kal. Martii anno primo.

19.

Pope CLEMENT VI. had heard from the Inquisitor of Carcassonne, AYMO DE CALVOMONTE, that the adjoining houses of two condemned heretics, RAYMUNDUS GUILLERMI MATE and GUILELMUS MARTINI FRENERII, had been razed to the ground, *et perpetus sterquilinio deputate fuerant.* There had then, for many years, offal and garbage been deposited, so that not only the immediate neighborhood but almost the entire city, particularly in summer time, was filled with an unbearable stench,

which bred sickness. Prominent citizens of the town had frequently importuned the Inquisitor to allow them to surround the place with a wooden fence, not a wall, eight or nine feet high, *ita tamen quod dicta platea desuper aperta et per totum inhabitabilis remaneret.* As the inquisitor could on his own authority not permit this, he begged papal permission, which was granted. Now he desires to receive briefs *ne aliquis dictam plateam pracsumat aliter, quam supra dictum sit, claudere, aut in ea quoquomodo aliquid aedificare sine sedis apostolicae licentiae speciale,* of which the Pope approves.

Reg. Supplic. Tom. 5 fol. $\frac{XX}{VIII\ VIIIIv.}$

Apud Villam Novam 1343 Augusti *22*

Pater Sanctissime, Nuper exposito Vestre Beatitudini per fratrem Aymonem de Calvomonte inquisitorem Carcassonen., quod in burgo Carcasson. quedam platea in una de melioribus partibus dicti burgi consistebat ab una carreria publica usque ad aliam per transversum pertingens, in qua fuerant ab olim due domus contigue, una videlicet quondam Raymundi Guillermi Mate, et altera quondam Guillermi Martini Frenerii de Carcassona, dudum per inquisitorem Carcassonen., qui tunc erat, de crimine heresis per eos nequiter perpetrato sententialiter dampnatorum, que in detestationem dicti criminis dirutioni exposite et perpetuo sterquilinio fuerant deputate; et quod in eadem platea tot sordes et immunditie, que inibi continue proiciebantur et ponebantur, adeo cumulabantur ibidem, quod propter fetorem vel infectionem dicti loci non solum

per viciniam undique dicte platee contiguam, ymmo etiam in magna parte dicti burgi aer, presertim estivo tempore, adeo corruptus et fetidus reddebatur, quod inde nonnullis frequenter egrotantibus habitationes domorum vicinarum domos suas etiam pretiosas, solempnes et magnas, quas ibidem inhabitant relinquere et quasi desertas dimictere, nisi de remedio provideretur necessario, oporteret; et quod propterea nonnullis personis notabilibus dicti burgi cum instantia devote supplicantibus dicto inquisitori sepius et frequenter, ut eis daret licentiam claudendi dictam plateam undique non de muro, sed de palis ligneis usque ad altitudinem octo vel novem palmorum super terram, ita tamen, quod dicta platea desuper aperta et per totum inhabitabilis in detestationem dicti criminis perpetuo remaneret. Idem inquisitor hoc facere numquam voluerat Vestra Beatitudine inconsulta, ipsoque inquisitore Vestram Sanctitatem consulente, quid sibi super hoc videretur et placeret, Eadem Vestra Sanctitas respondit, quod idem inquisitor, si sibi videretur expediens, audacter dictam licentiam largiretur. Dignetur igitur eadem S. V. concedere et mandare super hoc fieri litteras oportunas, in hibendo, ne aliquis dictam plateam presumat aliter, quam supra dictum sit, claudere, aut in ea quoquomodo aliquid edificare sine sedis apostolice licentia speciali.

Fiat R.

Et quod transeat sine alia lectione. Fiat R.

Dat. apud Villamnovam Avinion. diocesis XI kal. Septembris anno secundo.

20.

Pope CLEMENT VI. had received a petition from

Prior and convents of the Carthusians with the following details: Many priors and monks of the Order had, as deacons and subdeacons, before and after their profession, in cases of necessity and otherwise heard confessions, and, *prout poterant,* absolved. Many of them believed that upon their entry into the Order by virtue of the privilege of ALEXANDER IV., which granted to priors extended powers of absolution and dispensation, they had been absolved from their offence. Others, before entering, had been possessed of *beneficia, etiam curata,* drawn the revenues, and had been ordained priests, others even became priors. Now as all these could not journey to the Curia, the Pope was implored to grant power of absolution to the priors for monks, and to the vicars for priors, for the offences stated, and *quod si qui priores in casibus tanquantur praedictis, possint in eorum prioratibus remanere et ministrare. Fiat hac vice,* replied the Pope, *suspensis ad tempus prout viderint expedire, exceptis irregularitatibus ex homicidio vel mutilatione contractis.* The grant was to be made through the Grand Penitentiary GAUCELMUS, Bishop of Albano. *Reg. Supplic. Tom. 3 fol. CXIIv.*

On left margin *extra*

Avenione 1344 Januarii 8

Significant Sanctitati Vestre prior et conventus Cartusie, quod ad eorum pervenit noticiam, quod multi de ordinibus tam priores, quam monachi, in diversis partibus constituti ante et post religionis ingressum in diaconatus vel subdiaconatus ordinibus solummodo existentes, confessiones plurium tam in necessitatis quam etiam forsan in non necessitatis

articulo audiverunt, eosque prout poterant absolverunt per simplicitatem et ignoranciam iuris; confisi eorum aliqui post religionis ingressum se esse absolutos privilegio felicis recordationis domini Alexandri pape predecessoris vestri, per quod concessit dicto ordini, quod singuli priores in conventibus sibi commissis fratribus constitutis ibidem absolvere et dispensatione indigentibus a quibuscumque excommunicationis sententiis irregularitatibus possint absolutionis et dispensationis beneficium impertiri, nisi adeo gravis et enormis esset excessus, quod merito essent ad sedem apostolicam destinandi. Quidam etiam expredictis ante ingressum beneficia ecclesiastica, etiam curata, receperunt fructus percipientes eorum, et se fecerunt ad sacerdocium promoveri divina officia celebrantes, et quidam eorum promoti sunt ad officia prioratuum conventualium et priores alios promoverunt. Unde supplicant idem prior et conventus pro se et aliis fratribus et prioribus ordinis prelibati, ut, cum difficile sit eis pro casibus supradictis apostolicam sedem adire, quatinus commictere dignemini prioribus singulis, quod fratres sibi commissos, vicariis vero, quod omnes et singulos predictos priores absolvere valeant et dispensare cum eis, im posita eis penitencia salutari a casibus supradictus et quibuscumque sententiis excommunicationis, suspensionis et interdicti, quas incurrere potuerunt, licet non recolant, decimas non solvendo vel alias in casibus contentis in iure. conciliis vel synodis, de gratia speciali dispensantes; quod si qui priores in casibus tangantur predictis, possint in eorum prioratibus remanere et ministrare, non obstantibus constitutionibus quibuscumque.

Fiat hac vice, suspensis ad tempus prout viderint expedire; exceptis irregularitatibus ex homicidio vel mutilatione contractis. R.

Et supplicant, fieri per litteras domini..Albanen. Fiat R.

The date of the petition is missing, the one following is signed:

Dat. Avinion. VI idus Ianuarii anno secundo, which date will probably also apply to the above supplication.

21.

Pope CLEMENT VI. nominated the Cardinal GUILELMUS DE CURTE OCIST. *vulgariter nuncupatus Albus,* as commissioner and judge against the Florentines, who would not mind the Interdict and refused to give to Cardinal PETRUS GOMETII, Bishop of Sabina, assistance in his claim against the banking house of the Accaiuoli. The Commissioner was given full power, in which it is worthy of note that he could summon the Florentines *quotiens opus erit per edictum inauis maioris ecclesiae Avenionensis affigendum,* as no one would venture to bear the summonses to Florence *propter civium Florentinorum saevitiam.*

Reg. Supplic. Tom. 11 fol. CXVIIv.

On margin *Extra de iustitia*

Avenione 1346 Augusti 4

Beatissime pater, Licet religiosus vir frater Petrus de Aquila ordinis Minorum magister in sacra pagina inquisitor heretice pravitatis in provincia Tuscie per Sanctitatem Vestram executor specialiter deputatus ad exequendum sententias in Romana

Curia latas pro reverendo patre domino episcopo Sabinensi et contra socios societatis Acciaiolorum de Florencia cum potestate invocandi auxilium brachii secularis et per censuram ecclesiasticam compellendi et etiam subiciendi civitatem Florentinam eiusque districtum ecclesiastico interdicto, ipsam civitatem eiusque districtum propter civitatis et regencium inobedienciam ecclesiastico supposuerit interdicto et extunc dicta civitas fuerit et sit interdicta. Tamen episcopus Florentin. et nonnulli abbates et prelati regulares et seculares ac religiosi et clerici predicte civitatis Florentine dictum interdictum temere violando divina officia non verentur in contemptum clavium et sedis apostolice non sine gravi Dei offensa et iuris dicti cardinalis preiudicio, publice in eorum ecclesiis prophanare et facere prophanari. Quapropter dignetur Sanctitas Vestra alicui de reverendis patribus dominis cardinalibus commictere et mandare, quatinus contra predictos sic graviter excedentes procedat et inventos culpabiles puniat iuxta canonicas xanctiones *(sic)*, et nichilominus iuris remediis eos coga ad servandum ecclesiasticum interdictum; et quod possit procedere summarie, simpliciter et de plano sine strepitu iudicii et figura, non obstantibus feriis et cum potestate citandi eosdem semel et pluries extra Curiam et ad partes, quociens opus erit, etiam per editum *(sic)* ianuis maioris ecclesie Avinion. affigendum, cum propter civium seviciam citaciones predicte ad partes illas comode fieri non sperentur; etiam si huiusmodi cause non sint de sui natura vel alias ad Romanam Curiam devolute et in ea tractande et

finiende, constitutione, que incipit: Cum in multis, et qualibet alia in contrarium edita non obstantibus.

Fiat ut petitur. R.

Per cardinalem Album. R.

Dat. Avinion. II non. Augusti anno quinto.

22.

Pope CLEMENT VI. grants to the Inquisitorial Notary, JOHANNES DE SPINALO TULLEN, *dioeceseos,* at the petition of the Inquisitor AYMO DE CALVOMONTE OPRAED, a canonship with prebendary, the revenues of which he should draw for three years, without residence, if during that time he was in the service of the Inquisition.

Reg. Supplicat. Tom. 8 fol. $\frac{XX}{VII\ XVIIIr.}$

Avenione 1346 Ianuarii 4

Sanctissime Pater, nuper concessistis gratiam Iohanni de Spinalo presbitero Tullen. diocesis dilecto et fideli servitori ac notario devoti et humilis servitoris vestri fratris Aymonis de Calvomonte ordinis Predicatorum inquisitoris Carcassonen. de canonicatu et prebenda ac officio scolastrie ecclesie Sancti Deodati ad Romanam Ecclesiam nullo medio pertinentis dicte Tullen. diocesis *etc.* et quorum annui redditus quinquaginta libr. Turon. parvorum secundum taxam decime valorem annuum non excedunt, non obstante, quod dictus Iohannes parrochialem ecclesiam de Foyssiaco Senonen, diocesis noscitur obtinere. Cum autem postmodum sit repertum, quod vos XIIIIa die Aprilis pontificatus vestri anno secundo beneficia magistri Alardi canonici Tullen, collationi vestre reservastis, quo tempore dictus Alardus, qui communiter interdum

Alardus, et interdum Ecardus in illis partibus vocabatur, etiam dicte ecclesie Sancti Deodati canonicus prebendatus et decanus existebat *etc.* supplicat idem inquisitor eidem S. V. quatinus Eadem Sanctitas dignetur concedere et mandare fieri litteras sub data predicte gratie *etc.*

Fiat R.

Et sub illa data si sint idem canonicatus et prebenda, qui tunc sibi dati fuerunt R.

Item supplicat idem inquisitor quatinus eidem Iohanni indulgere dignemini gratiose, ut quamdiu dicto inquisitori vel alio inquisitori in dicto officio inquisicionis fideliter servierit et devote in dicta parrochiali ecclesia ac canonicatibus et prebendis quarumcunque ecclesiarum *etc.* vel imposterum obtinebit, non teneatur personaliter residere *etc.* ac si resideret personaliter in eisdem *etc.*

Fiat ad triennium R.

Et quod transeant sine alia lectione. Fiat R.

Dat. Avinion. II non. Ianuarii anno quarto.

23.

Pope Clement VI. appoints frater Michael domini Lapi de Florentia to be inquisitor of Florence for two years. The Minister General of Franciscans, who made the proposition, adds thereto *nisi interim ratione excessus vel defectus in officio sedi apostolicae vel ministro generali ordinis sui videretur amovendus.*

Reg. Supplicat. Tom. 10 fol. $\frac{XX}{VII\ VIr.}$

Avenione 1347 Aprilis 27

Supplicat Sanctitatem Vestram humilis creatura

vestra frater Fortanerius ordinis Minorum minister generalis, quatinus fratrem Michaelem domini Lapi de Florencia inquisitorem placeat instituere Florentie ad duos annos continuos, nisi, quod absit. interim racione excessus vel defectus in officio sedi apostolice vel ministro generali ordinis sui videretur amovendus.

Fiat R.

Item quod transeat sine alia lectione. Fiat R.

Dat. Avinion. V kal. Maii anno quinto.

24.

Pope INNOCENT VI. appoints RAYMUNDUS, the Abbot of St. NICOLAUS in Litore at Venice, to the nunciature in upper Italy and on the coast of Dalmatia, *quod exigat ab inquisitoribus tertiam partem bonorum confiscatorum et duas partes condemnationum.*

Reg. Vat. Tom. 242 fol. XVIv.

Inquisitorum duarum partium exactio. Quod iste nuncius exigat ab inquisitoribus heretice pravitatis terciam partem bonorum confiscatorum et duas partes condempnacionum.

Avenione 1353 Februarii 2

Innocentius etc. dilecto filio Raymundo abbati monasterii Sancti Nicolai in litore de Veneciis OSB. Castellan. diocesis apostolice sedis nuncio salutem et apostolicam benedictionem.

Cum bonorum confiscatorum.

Dat. Avinion. IIII non. Februarii pontificatus nostri anno primo.

25.

Pope INNOCENT VI. directs FRANCIS DE MESSANA OPRAED, inquisitor in the kingdom of Naples, to

take energetic measures against the heretics who had fled to Calabria, in order that the evil may not further spread.

Reg. Vat. Tom. 237 fol. CXVIr.

Avenione 1355 Junii 6

Dilecto filio Francisco de Messana ordinis Predicatorum, inquisitori heretice pravitatis in regno Sicilie auctoritate apostolica deputato salutem etc.

Innotuit nobis, quod quorundam hereticorum insana et maxima multitudo de diversis nationibus et partibus congregata, metu pene temporalis, quam eternis ignibus anteponit, ad quandam extremam Sicilie regni partem, que provincia Calabrie nuncupatur, aufugit, sperans inibi eo nequicie sue venena se latius effusuram, eoque nocituram peramplius, quo, ut confidit, inhabitantium terram illam pura simplicitas a tenebrarum filiis, qui attestante veritate prudentiores sunt in generatione sui filiis lucis, incaute facilius capietur. Quorum dampnabili et dampnando proposito eo est cautius et solicitius occurendum, quo ex ipsorum pestifero semine, si, quod avertat Dominus, illud inibi spargi contingeret, seges pernitiosior pulularet. Ideoque discretioni tue per apostolica scripta districte precipiendo mandamus, quatinus ad partes illas te personaliter conferas, et zelo Dei Eiusque fidei fervore succensus, exequens officii tui partes adversus errores ipsius prophane multitùdinis sic exurgas viriliter sicque illos falce catholice veritatis studiose resecare procures, quod, eis omnino confutatis atque succisis, ipsius vere fidei verum lumen errorum nebulas et tenebras fugans eniteat clarius *etc.* Ut autem in

premissis eo efficacius proficere valeas, quo majori fueris auxilio communitus, discretioni tue invocandi ad hoc, si opus fuerit, venerabilium fratrum nostrorum archiepiscoporum et episcoporum ac dilectorum filiorum electorum, abbatum et clericorum ac personarum ecclesiasticarum, necnon comitum, baronum, nobilium, universitatum et communitatum dicte provincie auxilium, consilium et favorem plenam concedimus tenore presentium potestatem.

Dat. Avinion. VIII idus Junii anno tercio.

26.

Pope INNOCENT VI. commends the Bishop of Castello (Venice), NICOLAUS MOROSINI, for having so efficiently supported the Inquisitor, MICHAEL OF PISA. He exhorts him to continue in his faithfulness.

Reg. Vat. Tom. 238 fol. LVIIr.

Avenione 1356 Maii 1

Venerabili fratri..episcopo Castellan. salutem etc.

Dilecti filii inquisitoris heretice pravitatis in ipsis partibus auctoritate apostolica deputati grata nobis insinuatione comperimus, quod tu sibi in executione favorabili commissi ei officii salutaribus consiliis et efficacibus auxiliis adversus quosdam contra illud molientibus aliqua astitisti. Super quo fraternitatem tuam uberibus gratiarum accionibus prosequentes illam attente precamur, quatinus sic eidem inquisitori continues favores et auxilia consueta, quod ipse ad laudem Dei et honorem ipsius fidei commissum sibi officium huiusmodi utiliter exequatur.

Datum Avinion. kal. Maii anno quarto.

27.

Pope INNOCENT VI. commands the inquisitor, MICHAEL OF PISA, to compel the notables and the public officials of Venice and of Treviso to desist, under all circumstances, from hindering the work of the Inquisition.

Reg. Vat. Tom. 238 fol. CLXXXIIr.

Avenione 1356 Septembris 16

Dilecto filio Michaeli Pisani ordinis fratrum Minorum inquisitori heretice pravitatis Venetiis Castellane diocesis et in Marchia Tervisina auctoritate apostolica deputato salutem etc.

Molesta quorundam insinuatio ad nostrum perduxit auditum, quod in locis et partibus, in quibus es inquisitor pravitatis heretice auctoritate apostolica deputatus, sunt nonnulli nobiles et alie singulares persone necnon universitates et communia civitatum, castrorum, villarum et aliorum locorum, que tuis in officio inquisitionis pravitatis ipsius predecessoribus et precessoribus et tibi etiam obstiterunt in executione ipsius officii in grave fidei christiane dispendium, Dei contumeliam et apostolice sedis opprobrium et contemptum. Cupientes igitur huic morbo necessariam adhibere medelam, discretioni tue per apostolica scripta mandamus, quatinus nobiles et personas ac universitates et communia predicta omnia et singula, quod ab omni impedimento prestando tibi in ipsius executione officii seu circa illam omnino desistant, per censuram ecclesiasticam et penas alias a iure statutas auctoritate nostra appellatione cessante compellas. Non obstante, si nobilibus personis, universitatibus et communitati-

bus ipsis aut quibusvis aliis communiter vel divisim a sede apostolica sit indultum, quod interdici suspendi vel excommunicari non possint per litteras apostolicas non facientes plenam et expressam ac de verbo ad verbum de indulto huiusmodi mentionem.

Datum Avinion. XVI kal. Octobris anno quarto.

28.

Pope INNOCENT VI. severely censures MICHAEL OF PISA, the Inquisitor of Venice and Treviso, because, on account of the support given to heretics by notables and authorities, he had delayed to the present time to proceed against them. He directs him to make up for this tardiness with all his power *Reg. Vat. Tom. 238 fol. CLXXXIv.*

Avenione 1356 Septembris 16

Dilecto filio Michaeli Pisani ordinis fratrum Minorum inquisitori heretice pravitatis Venetiis Castellane diocesis et in Marchia Tervisina auctoritate apostolica deputato salutem etc.

Ad audientiam nostram pervenit, quod Venetiis Castellane diocesis et in Marchia Tervisina, ubi es inquisitor pravitatis heretice auctoritate apostolica deputatus, sunt nonnulli pravitatis huiusmodi labe respersi, contra quos hucusque officii tui pro eo exercere debitum distulisti, quod quorundam potentum indebitis favoribus adiuvantur. Cum autem non sit deferendum homini contra Deum, discretioni tue, cuius nobis desidia nocitura multum molesta redditur vehementer, per apostolica scripta districte precipiendo mandamus, quatinus tam contra hereticos ipsos, quam contra fautores et receptatores eorum omnes et singulos cuiuscumque ordinis, con-

ditionis, preminentie, dignitatis aut status extiterint, sic Deum solum, cuius causam ages, habendo pre oculis, huiusmodi officii tui debitum exequaris, quod nulla possis negligentie nota redargui, quinimo apud Deum eterne glorie mercedem uberem et nostre plenitudinem gratie uberius consequi merearis.

Datum Avinion. XVI kal. Octobris anno quarto.

29.

Pope INNOCENT VI. charges PETER, Archbishop of Benevent and Nuncio in the kingdom of Naples, to proceed with all means against former and present Inquisitors who have withheld from the Apostolic Chamber its share in confiscations and penances, and to render minute report.

Reg. Vat. Tom. 239 fol. XXVIr.

Avenione 1359 Februarii 16

Venerabili fratri Petro archiepiscopo Beneventan. apostolice sedis nuntio salutem etc.

Molesta nobis habet quorumdam relacio, quod nonnulli inquisitores heretice pravitatis, qui fuerunt pro tempore, et hii etiam, qui nunc sunt in regno Sicilie seu Terra citra Farum, nunciis apostolicis, qui fuerunt in eisdem regno seu Terra et tibi etiam de bonis receptis per eos ratione criminis heresis confiscatis racionem reddere ac porcionem, que de bonis ipsis debetur apostolice camere, assignare indebite recusarunt et recusant in preiudicium camere memorate. Super quo de oportuno volentes remedio *etc.* exigere ac recipere non postponas. Contradictores etc. Non obstantibus *etc.* Ceterum, quia, sicut displicenter audivimus, quidam ex inquisitoribus ipsis commissum eis inquisicionis officium pro animarum salute institutum salubriter ad questum

dampnabiliter persepe convertunt, et nonnumquam pretereuntes noxios et innoxios aggravantes, tam expugnandis heresibus, quam viciis, prodolor, inserendis intendunt, ex quo tumultus frequenter in populis et scandala oriuntur, in mandatis adicimus, ut per te vel alium seu alios, eciam de hiis omnibus summarie, simpliciter et de plano ac sine strepitu et figura iudicii te informans, quicquid per informationem huiusmodi te reperire contingerit et quecumque in premissis omnibus egeris, significare nobis tuis litteris non omittas, ut referente te cognoscamus et disponamus consulcius medelam huic morbo congruam adhibendam.

Datum Avinion. XIIII kal. Marcii anno quinto.

30.

Pope INNOCENT VI. directs his chaplain, ARNALDUS DE MOLERIIS, Canon of Tours, to proceed with rigor against all former and present Inquisitors of Upper Italy, who have withheld from the Apostolic Chamber its share in properties *quae ratione criminus haeresis confiscata sunt,* and who committed various other transgressions, and to submit an exact account of the same to the Curia.

Reg. Vat. Tom. 239 fol. CLXIIIr.

Avenione 1359 Julii 23.

Dilecto filio Arnaldo de Moleriis canonico Turonen. utriusque iuris doctori capellano nostro salutem et cetera.

Perduxit ad nos frequens multorum fidedigna relatio, quod inquisitores heretice pravitatis in partibus Lambardie *(sic)* et Tuscie ac Riparia Jannen. et Marchia Tervisin. auctoritate apostolica deputati de bonis, que ratione criminis heresis confiscata

sunt, portionem camere nostre debitam assignare contempserunt hactenus et contempnunt, quodque nonnulli eorum commissi eis officii limites excedentes, gravant frequenter innoxios et noxios impune plerumque relinquunt. Cum autem te ad partes illas pro quibusdam nostris et Ecclesie Romane per nos tibi commissis negociis destinemus, nos indempnitati prefate camere providere ac dictorum inquisitorum licenciam et incuriam cohibere volentes, discretioni tue per apostolica scripta mandamus, quatinus de hiis omnibus summarie, simpliciter et de plano ac sine strepitu et figura iudicii te informans, quicquid de huiusmodi porcione bonorum confiscatorum huiusmodi eidem camere, ut prefertur, debita inveneris per inquisitores eosdem camere prefate deberi, ab inquisitoribus ipsis, etiam si sint ab inquisitionis officio revocati, petere, exigere ac recipere cum integritate procures. Contradictores *etc.* Non obstantibus *etc.* Seu si aliquibus *etc.* Nos enim tibi absolvendi, quitandi et liberandi plene ac libere illos, a quibus porcionem seu residua porcionis huiusmodi recipere te continget, de hiis duntaxat, que receperis ab eisdem, volentesque tam de hiis, que, ut prefertur, receperis, quam de hiis, que de excessibus inquisitorum invenies predictorum, nos et cameram ipsam per scripturas autenticas certos reddas.

Datum Avinion. X kal. Augusti anno quinto.

31.

Pope URBAN V. commissions the Cardinal RAIMUNDUS DE CANILHACO, of the Order of Augustinian Hermits, to discharge *summarie* the following matter: In the Val Pute of the Archbishopric

Embrun, difficult of access and very poor, heretics have settled down, who only from time to time are disturbed by Inquisitors, who are unable to remain there permanently to root out the evil. The rectors of parishes draw *manualia* which are insufficient for their sustenance, so that they are obliged to work for their support. They do not draw the tithes as they belong to the Augustinian Prior of Vulci and to others. Of these tithes it is proposed that enough be retained to support in future *personae idoneae et literatae,* to whom the parishes shall be assigned, so that they may be enabled to proceed successfully against the heretics. Also, on account of the favoring of the heretics by *quidam potentes,* processes may take place *extra loca,* and a Cardinal should be commissioned with the punishment of the *potentes.*

Reg. Vat. Supplic. 43 fol. CCLXXIIIr.

On left margin, twice, *De iustitia*

Avenione 1366 Augusti 5.

Beatissime pater, In valle que dicitur Pute diocesis Ebredunensis et in quibusdam aliis locis circumvicinis viguerunt longis temporibus zizania heretice pravitatis, et licet tam per ordinarios quam per inquisitores aliquotiens facti fuerint correctiones et puniciones plurium hereticorum in dictis locis, tamen non evulsis radicibus semper pullulant rediviva, quod ex eo potissimum videtur procedere, quia propter locorum predictorum totaliter agrestium sterilitatem, incommoditatem et paupertatem, nulli sunt ibi viri litterati, nec aliunde accedunt, et pauperes curati parrochialium ecclesiarum propter tenuitatem ipsarum coguntur potius laborare et vivere

de laboribus manuum suarum, quam vacare ad addiscendum vel docendum scripturas et alia salubria et necessaria pro suis parrochianis. Dyocesani vero vel inquisitores in transitu perfunctorio parum possunt proficere et tamen diucius ibi manere non possent, cumque decime dictarum ecclesiarum parrochialium non per earum rectores, set per diversos earum patronos ecclesiasticos percipiantur, et presertim per prepositum Vulciensem Taurinensis diocesis ordinis S. Augustini in octo vel decem parochiis et per quosdam alios in aliis, ita quod quasi in tota dicta valle Pute et locis circumvicinis rectores seu vicarii curam animarum exercentes solum habent oblaciones manuales, et vix inde vivere possunt, propter quod nullus litteratus homo vult recipere ecclesias seu curas illas, supplicatur S. V., quatinus commictere dignemini et mandare alicui vel aliquibus, de quibus E. S. videbitur, quatinus de predictis decimis talem porcionem ecclesiis, a quarum parrochiis vel parrochianis recipiuntur, auctoritate apostolica faciant assignari, quod de cetero ad earum regimen possint persone ydonee et litterate secundum locorum ipsorum exigentiam et parrochianorum necessitate inveniri et ordinari, nec alii in eisdem ecclesiis quomodolibet instituantur. Non obstantibus consuetudinibus, ordinacionibus, concessionibus, privilegiis prescriptionibus vel statutis contrariis quibuscumque iuramento vel confirmacione sedis apostolice, aut quacumque alia firmitate vallatis, et cum aliis clausulis oportunis.

Audiat vocata parte cardinalis de Canilhaco.

Item cum quidam potentes non permictant in locis predictis contra dictos hereticos debite procedi per

ordinarios vel inquisitores, nec ipsos trahi extra loca predicta, sed per modos et vias exquisitas impediunt processus et execuciones fieri contra eos, dignetur eadem S. V. commictere alicui vel aliquibus de dominis cardinalibus, quod possint contra dictos potentes et quoscumque fautores ipsorum procedere prout eis videbitur.

Placet de predicto cardinali.

Item quod in premissis omnibus et singulis procedatur summarie et de plano et sine strepitu et figura judicii ac etiam sine libello vel quocumque processu iudiciali, set solum proposita veritate facti per modum articulorum et recepta in formatione, de qua videbitur commissario per E. S. deputando, et cum potestate citandi semel et pluries extra curiam et ad partes. Et cum aliis clausulis oportunis.

Fiat B.

Dat. Avinion. tercio non. Augusti anno quarto.

32.

The Inquisitor of Carcassonne, GUILELMUS MILITIS, receives from the Apostolic Chamber forty gold florins, the costs of a journey and maintenance.

Introitus et Exitus Camerae Tom. 321 fol. 67v.

1366 Decembris 16.

Extraordinaria. Die eadem soluti fuerunt de dicto mandato fratri Guillermo Militis magistro in theologia inquisitori heretice pravitatis in partibus Carcasson. pro expensis per ipsum factis eundo Carcassonam et deinde ad Avinionem redeundo super certis informationibus ibidem factis in facto dicte heretice (*sic*), ratione cuius III fuerunt nuper hic in curia condempnati heretici, X floren. Et pro aliis expensis suis, quas hic fecit de dicto man-

dato pro eodem facto per quinque septimanas continuas XXX floren. Summa soluta pro premissis est, ipso domino inquisitori manualiter recipiente,

XL floren. ad graylet.

33.

The Apostolic Chamber pays to Magister JACOBUS DE AVENIONE the sum of forty-five chamber florins, for copying work relating to the process of the condemned heretic PETRUS GARILHI, burned at the stake in Avignon, and of his likewise condemned fellow culprits.

Introitus et Exitus Camerae Tom. 321 fol. 76r.

1376 Januarii 6.

Extraordinaria. Die eadem soluti fuerunt de mandato domini camerarii domini nostri pape magistro Jacobo Core notario de Avinione pro II^{c} foliis processus facti per eum contra Petrum Garilhi condam hereticum condempnatum de heresi et combustum in Avinione et quosdam suos complices ac hereticos condempnatos, item et pro labore ipsius CXXXIIII dierum quibus idem magister Jacobus etiam inquisitiones factas contra predictos hereticos in Romana Curia vacavit, et pro abreviatione dicti processus et ordinatione II sententiarum latarum ac aliis laboribus per eum factis etiam predicta, ipso manualiter recipiente

XLV floren. cam.

34.

Pope PIUS II. allows to JOHANNES OF BURGUNDY, Bishop of Cambrai, to appoint *pro hac vice dumtaxat* MICHAEL DE MARICOLIS OPRAED. as Inquisitor for his diocese. This is done to take from delinquents the excuse that the Inquisitor of Rheims be not competent, since city and diocese of Cambrai,

although located in the Church province of Rheims, were subject to the German empire, and as part of the diocese belonged to the Dominican province of France and the other part to that of Germany there ensued constantly disputes as to competency, prejudicial to matters of faith.

Reg. Lat. Tom. 594 fol. CXLIIIIv.

On left margin *P,* right *A. de Cortesiis*

Romae apud Sanctum Petrum 1463 Octobris 11.

Pius etc. venerabili fratri Johanni episcopo Cameracensi salutem. Ad ea ex.

Cum itaque, sicut exhibita nobis nuper pro parte tua peticio continebat, licet civitas et diocesis Cameracenses infra provinciam Remensem esse censeantur, et sub imperio et non in regno Francie constitute sint, et eciam secundum distinctionem provinciarum ac consuetudinem fratrum ordinis Predicatorum una pars tue diocesis in provincia Francie et alia pars in imperio computentur, nichilominus interdum evenit, quod, dum inquisitor heretice pravitatis provincie Francie auctoritate apostolica deputatus contra aliquem de dictis civitate et diocesi, qui eciam secundum huiusmodi consuetudinem fratum Predicatorum sub iurisdictione inquisitorum provincie Francie comprehendi debetur, in causis concernentibus fidem procedere attemptant, contra quem procedendum foret, asserens se non subditum regni Francie sed sub imperio existere, iudicium inquisitoris huiusmodi evadit et illudit et eciam, si inquisitor Alamanie sub imperio deputatus inquisicionem contra talem attemptet, idem inquirendus sub colore, quod se de provincia Francie secundum consuetudinem fratrum Predi-

catorum huiusmodi esse dicit, similiter eius iudicium evadit. Unde cum dubium sit, quis inquisitorum eorundem contra personas tuarum civitatis et diocesis predictarum inquirere debeat, nobis humiliter supplicasti, ut ad huiusmodi submovendum dubium tibi deputandi inquisitorem heretice pravitatis in civitate et diocesi antedictis facultatem concedere dignaremur.

Nos, ne cause fidei per dilatorias excepciones impediri valeant, sed ut in ipsis celerius procedatur, proinde cupientes fraternitati tue deputandi, constituendi et ordinandi auctoritate nostra hac vice duntaxat, dilectum filium Michaelem de Maricolis dicti ordinis fratrum Predicatorum et theologie professorem in tuis civitate et diocesi inquisitorem heretice pravitatis, ac districtius inhibendi generali, provincialibus et prioribus dicti ordinis eorumque vicariis et aliis quibuscunque, quorum interest, ne prefatum Michaelem ab officio inquisicionis huiusmodi removere aut revocare, seu suspendere, vel in exercicio eiusdem officii impedire quoquo modo presumant, decernendi quoque irritum et inane, si secus super hiis a quoquam quavis auctoritate scienter vel ignoranter contigerit attemptari. Non obstantibus statutis et consuetudinibus dicti ordinis, iuramento, confirmatione apostolica vel quavis firmitate alia roboratis ceterisque contrariis quibuscunque, plenam et liberam auctoritate apostolica tenore presencium concedimus facultatem.

Datum Rome apud Sanctumpetrum anno Incarnationis Dominice millesimo quadringentesimo sexagesimo tercio, quinto idus Octobris anno sexto.

P. XXVI. de Varris.

35.

In 1550 the *bona haereticorum* were divided in Rome into three parts, of which two were assigned to descendants, and the third to the Apostolic Chamber for the support of Inquisitors and their officials. *Arm. XI caps. VI. cap. 29.*

Circa annum 1550.

In a petition for the *inquisitio Urbis* we read:

Quod bona hereticorum dividantur in tres partes. quarum due dentur filiis, tertia vero applicetur camere Sanctitatis Vestre pro substentatione inquisitorum et aliorum ad idem officium pertinentium.

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